NOTIFIED OF DISMISSAL

The next morning Delgado went to work as usual at the Blackstone Boulevard project. He was directed to report immediately, he said, to the W. P. A. headquarters on Custom House Street. There, he said, he was told he was being summarily dropped from the rolls. Delgado asked for an explanation and was told that his record was bad, that his foreman had reported him as being unable to do the work required, of refusing to do his work, and of being late in reporting for duty on several occasions.

Since that time Delgado's family, which lives at 57 Sheldon Street in the Fox Point section of the city, has been living a more or less hand-to-mouth existence, Delgado said yesterday, while he searched for work. He applied to the city welfare department for aid, and was told by his district welfare worker, he said, that his situation would be investigated and acted upon as soon as possible.

SERVED IN UNITED STATES ARMY

In 1915 Delgado came to America from the Cape Verde Islands, and 3 years later he enlisted in the United States Army. He served for 13 months and was honorably discharged. He was a spinner by trade, but when the depression came he was forced onto the relief rolls. For two winters he attended Americanization classes.

He became active in the Capeverdian League.

"Naturally, being poor and without any relief, I feel badly," he said yesterday, "but what hurt me was the claim that I had a poor record. I deny that I was unable to do my work; I did do it. It is true that I was late upon occasion, but that was during the winter months. I had to transfer from one trolley car to another to get to the job, and this sometimes delayed my arrival. You see, this is the first time that I have ever been discharged from any position since I started to work as a boy."

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF THE APPROPRIATIONS COMMITTEE

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nominations of the following persons to be State directors of the Public Works Administration:

Alvin D. Wilder (California);
Forrest M. Logan (Indiana);
George H. Sager, Jr. (Kentucky);
Louis A. Boulay (Ohio);
William F. Cochrane (South Dakota);
Richard A. Hart (Utah); and
Eugene R. Hoffman (Washington).

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection, the post-office nominations are confirmed en bloc.

That completes the calendar.

RECESS

Mr. ROBINSON. I move that the Senate take a recess.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess, to meet, sitting for the trial of the articles of impeachment, behind closed doors, tomorrow, Thursday, April 16, 1936, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 15 (legislative day of Feb. 24), 1936

POSTMASTERS

ARIZONA

William I. Welker, Bowie.

ARKANSAS

Alfred J. Jefferies, Clarendon.
Lawrence H. Green, Crawfordville.
Bennie H. Lucy, Elaine.
Hazel P. Screeton, Hazen.
Rhetta L. Cooper, Hughes.
Paul B. Garrett, Okolona.
Gertrude A. Parrish, Rector.
James A. Watson, Springdale.
Joe Davidson, Winslow.

KENTUCKY

Stanley H. Jones, Fort Knox.
George M. Roach, Fulton.
Anna May Moore, Hazard.
Isaac N. Combs, Lexington.
George J. Covington, Mayfield.
Benjamin F. Shepard, Wayland.

MAINE

Lyman Ellis, Canton.
Frank X. Oakes, Fairfield.
William Gerald Jordan, Fryeburg.
Wade P. Clifton, Greenville Junction.
Marita E. Peabody, Houlton.
Embert Worcester, Phillips.
Eugene P. Lowell, South Paris.
Maynard A. Lucas, Union.
Howard F. Wright, Wilton.
Mildred A. Holbrook, Wiscasset.

MICHIGAN

James A. Maxwell, Auburn.
Harold P. Snyder, Bear Lake.
William D. Pinkham, Belding.
Anne C. Parsal, Benton Harbor.
Samuel Robinson, Charlotte.
Delwin J. McDonald, Cheboygan.
Francis Jackson, Clare.
Elizabeth H. Ronk, Clarkston.
Frank H. Crowell, East Jordan.
Joseph J. Voice, Fife Lake.
Fred W. Zehnder, Frankenmuth.
Ralph Edward Peterson, Frankfort.
Robert H. Edsall, Greenville.
Walter C. Schoof, Imlay City.
James O. Peet, Ithaca.
William A. Seegmiller, Owosso.
Frank Knight Learned, Plymouth.
Myron I. Lutz, Pullman.
Arthur J. La Bo, Rockwood.

MINNESOTA

Palmer M. Swenson, Dawson.

MISSOURI

Carroll Wisdom, Bowling Green.
Garnett B. Sturgis, Eureka.
Clyde G. Eubank, Madison.
George W. Daniels, Novinger.

NORTH DAKOTA

Hugh H. Parsons, Fessenden.
Orna F. Leedy, Goodrich.

OHIO

Marvin L. Sollmann, Anna.

OKLAHOMA

Roy Jessie McCormick, Alva.
William R. Marlin, Pawnee.

PENNSYLVANIA

Elmer N. Zepp, Hatfield.

TENNESSEE

Walter E. Nixon, Dayton.
John Cort Sadler, Gainesboro.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 15, 1936

The House met at 12 o'clock meridian.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, we would cherish in this moment of devotion the greatest of gifts, which is a thankful heart. Give us the spirit of truth which subordinates the lower elements of life. Breathe upon us the inward tranquillity and

silence of the uttermost thought and feeling. Let us not linger on the stepping stones of self, but may we patiently mount to higher levels. Blessed Lord, arm us with the sense of victory that overcometh the world, with that grace that resists every evil influence and that serenely sustains in every ordeal and turns to advantage every vicissitude. As patriots and devout lovers of our country, may we delight to clothe ourselves with the garment of Christian brotherhood. Open our eyes to the large purpose and the high efficiency demanded by the public service. Through Christ our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MOTION TO DISCHARGE COMMITTEE

Mr. BOILEAU. Mr. Speaker, the question presented yesterday afternoon is of vital importance to the membership of the House, and I trust the Speaker will tolerate me for a few minutes while I present the views of those of us who have been studying this rule, and who believe that the signatures of a majority of the present membership of the House attached to the petition is sufficient to bring to a vote the question of discharging the Rules Committee from further consideration of the Frazier-Lemke bill.

I have been able to find very few precedents in connection with the discharge rule. I have looked up the precedents dealing with language similar to this language which appears in other rules of the House.

There are numerous rules of the House referring to majorities, and the Constitution itself refers to a majority of the membership of the House of Congress. The Constitution of the United States states that either House of Congress can organize to carry on business when a majority is present; or, in other words, a majority shall constitute a quorum.

The precedents of the House and of the Senate are and have been for a long time to the effect that that language which provides that a majority shall constitute a quorum means a majority of the Members of either House who have been elected, sworn, and living, and who have not resigned. In other words, a majority under the Constitution for the purpose of establishing a quorum is a majority of the present membership of the House, which today is 429.

In all the precedents I have been able to find which relate to the interpretation of the word "majority", and regardless of the exact language used in stating that a majority is necessary, the rulings have been that a majority means a majority of the membership of the House at the moment.

The rule we have before us today, and which is in effect at the present time, states that when a majority of the total membership of the House shall have signed the motion it shall be entered on the Journal, and so forth. The language is "the total membership of the House." This rule is the only rule which I have been able to find in which that exact language "total membership of the House" is used, but it seems clear to me, Mr. Speaker, that the proper rule of interpretation should be that unless the rule specifically states that some different gage for determining what is a majority is expressly written into the rule, that the rulings of the Chair on other rules relating to a majority should be observed in this case, and that in this case it should be held that a majority of the total membership of the House means a majority of the present total membership of the House, and nothing else. The total membership of the House today is 429, and a majority of the total membership of this House today is 215. It seems to me there is nothing in the rules of the House that would justify any different interpretation.

There is only one precedent I have been able to find which deals with this particular rule, and that is when the Patman bonus petition was completed and was spread upon the Journal and printed in the RECORD on August 22, 1935. That petition was completed when 216 names were attached to it. On August 22 last the precedent established by this House was that a majority of the total membership of the House consisted of 216 Members, not 218. I do not want to say that that was the ruling of the Chair, because, so far as I know, neither the Parliamentarian nor the Speaker nor anyone else advised the Clerk to spread the petition on the Journal when 216 names were attached, but the precedent established on that day was that 216 Members completed the petition. It was a majority of the membership of the House, and the daily RECORD for August 22, 1935, lists the names of 216 Members, which was a majority of the total membership of 431. At least 216 was then considered to be a majority, and the RECORD shows that at that time the petition, in conformity with the rules, was automatically spread upon the Journal and incorporated in the RECORD. It is true that on the following day, August 23, the gentleman from Texas [Mr. PATMAN] made this statement:

Mr. Speaker, I ask unanimous consent that the RECORD be corrected on page 14579 to show a total of 218 names on the petition instead of 216.

That was only because the gentleman from Texas was able to obtain more signatures and because he did not want the question raised on this particular petition when it should be brought up for consideration. That does not mean that that correction was necessary. The words addressed by Mr. PATMAN to the Speaker are not incorporated in the permanent RECORD, so that if we want to find that particular language it is necessary to go back to the daily RECORD. The language was excluded for some reason from the permanent RECORD, and I presume in conformity with the rules of the House. The permanent RECORD now shows that there were 218 names on the petition, whereas as a matter of fact there were only 216 names when the petition was completed, as is clearly shown by the daily RECORD. That is the only precedent. It is a precedent established by the Clerk, but after all, the Clerk is the one who is directed by the provisions of the rule to interpret it and act in conformity with it, and if 216 names were sufficient then, it would seem to me that 215 names now are sufficient.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. O'CONNOR. Of course, the permanent RECORD does show 218 names, because 2 additional names were put on simultaneously with the request made by Mr. PATMAN.

Mr. BOILEAU. I think I made that clear.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. BLANTON. Of course, this is a matter of construction to be made by the Speaker. He can decide either way and be right, because the burden is upon the Speaker to determine and announce what was meant by the House when it used that language.

Mr. BOILEAU. I appreciate that.

Mr. BLANTON. This point, however, is in the case, in favor of the gentleman's contention. Why did the House use the language "total membership"? Why did it not just say 218? At one time it said 145. If the House intended that 218 Members should sign the petition, it would have been much simpler to have used that language—218 Members of the House. But the House saw fit in the rule to say "a majority of the total membership of the House", realizing that the total membership changes from time to time.

Mr. BOILEAU. I thank the gentleman for his contribution. There is nothing in the precedents that would indicate that any other interpretation should be placed on this rule than that a majority of the total membership means a majority of the present total membership of the House. It may be said, and I have heard it suggested by those who take a different view, that we should go to the debate in this House at the time the rule was adopted to assist us in interpreting the rule. I examined the debate and read it over very carefully last night. I submit that there is not one word in the debate at the time the rule was adopted that would justify any Member of the House or the Speaker of the House in believing that the House at that time meant that a majority requires more than a majority of the present total membership of the House. A majority of the total membership of the House today, for quorum and other purposes is 215, because there are now 6 vacancies, leaving a total membership of 429.

It is true that in that debate some Members referred to the new rule as the rule that required a majority to discharge a committee. Others referred to it as the "218 rule." That expression, "218 rule", was used many times during the debate, but there are many very good reasons for that. The first reason was that we were changing a rule that specifically provided for 145 signatures. The old rule did not say "one-third of the membership of the House." It said, "145 Members." So that when we were changing the rule from the 145 to a majority, on the opening day of the session, when we had a complete, full House of 435 Members it required 218 to constitute a majority. But if the Speaker will read the debate, I am sure the Speaker will come to the conclusion that that particular point was not even remotely in the minds of those who participated in the debate. Several times 218 was mentioned, but that was because Members were using figures to compare the new rule with the old rule of 145, and the use of figures was the most convenient way of referring to the two rules—the 145 rule and the majority or 218 rule—which on that day constituted a majority of the total membership of the House of Representatives.

Another point I want to bring out is this: The rule that was in operation during the Seventy-first Congress required a "majority of the membership of the House." It did not contain the word "total." It read "when a majority of the membership of the House shall have signed the petition", and so forth. There are no decisions relating to the language in that rule. It may be argued that when we used the words "total membership" in the present rule we meant something different than when we had the old rule in the Seventy-first Congress. I submit there is a very logical reason why the word "total" was left in the present rule, and that reason does not justify us in coming to the conclusion that any special emphasis should be placed upon the use of that word. The 145 rule that was in effect during the Seventy-second and Seventy-third Congresses provided that "when Members to the total number of 145 shall have signed the petition", and so forth.

Now, Mr. Speaker, this new rule adopted on the opening day of the Seventy-fourth Congress was an amendment of that rule. That old rule was before the committee and the House for amendment. The word "total" was in the old rule, and the amended rule naturally retained that word, because there was no need of striking it out. Leaving the word "total" in the amended rule does not change or alter the meaning of the rule at all.

I submit, in conclusion, that the precedents of the House are all to the effect that a majority of the House, regardless of the exact language used, means a majority of the Members who have been elected and sworn and who have not died, resigned, or been expelled.

It seems to me to be clear, from the debate when the rule was adopted, and considering the circumstances surrounding its consideration, that there was no intention on the part of the House to require more Members to sign the petition than are required to constitute a quorum to do business, and I submit that 215 Members today is a majority of the total membership of this House.

The SPEAKER. The Chair is ready to rule.

It has not been the practice to permit discussions of parliamentary inquiries, but this matter is one of importance, and the Chair has indulged the gentleman from Wisconsin [Mr. BOILEAU] to present his views.

The gentleman from Wisconsin indicated when the House adjourned on yesterday that it was his intention to renew his inquiry this morning, and that has given the Chair an opportunity to examine the debates which took place when this rule was adopted at the beginning of this Congress and to consider the various points raised by the gentleman from Wisconsin. The Chair is going to ask the indulgence of the House, for he thinks that the importance of this question, the fact that it has been raised for the first time, will justify him in taking a little of the time of the House.

The parliamentary inquiry of the gentleman from Wisconsin [Mr. BOILEAU] raises de novo a question as to the actual number of signatures necessary to effectuate a petition under the discharge rule of the House of Representatives.

The distinguished gentleman seems to contend that there is required only a majority of the actual sitting Members at any particular moment; that if the authorized and apportioned membership of the House of 435 be reduced at any time by death, resignation, or other cause the number necessary is an actual majority of the remaining sitting Members. Precisely, the gentleman contends that because of six vacancies, by reason of three deaths and three resignations, the number of sitting Members is reduced to 429, of which 215 only is required instead of 218, a majority of 435, the authorized membership of the House.

As a precedent in support of his contention, the distinguished gentleman from Wisconsin cites an instance occurring in the closing days of the first session of this the Seventy-fourth Congress, in August 1935. At that time there were five vacancies in the House. On August 22, 1935, there were 216 signatures to the petition on the bonus. The Clerk, on whose advice it is not clear, thereupon entered the petition in the Journal as a completed one. Two days later the gentleman from Texas [Mr. PATMAN], the introducer of the bonus bill, H. R. 1, and the prime mover of the petition, asked the unanimous consent of the House that the RECORD be corrected to show the petition bore 218 signatures. This consent was granted, and thereupon two additional Members signed the petition, making 218, and in the permanent RECORD of the proceedings of the House the number of signers appear as 218. The judgment of the distinguished gentleman from Texas at that time is significant.

It might be worth while to review the history of the so-called discharge rule for the purpose of the RECORD and future rulings, and especially because the question is of first instance and of considerable parliamentary importance.

The first rule of this nature was adopted in the Sixty-first Congress, on June 17, 1910. That rule, however, did not provide any actual number of signers necessary to discharge a committee. It merely provided that when the motion was seconded by a majority of the House, meaning those voting, by a teller vote, the bill was placed on the appropriate calendar.

This rule of 1910 was twice amended, but in no substantial particular, in the Sixty-second Congress in 1911 and 1912.

In the Sixty-eighth Congress, on January 18, 1924, the "motion to instruct a committee" was adopted. This rule required the signatures of 150 Members.

In the Sixty-ninth Congress, on December 7, 1925, the number required to "instruct" a committee was increased from "150" to "a majority of the membership of the House." No question ever arose under that rule similar to the one now presented to the Chair.

In the Seventy-second Congress, on December 8, 1931, the present discharge rule, an entire departure from, and revision of, the previous rule, was adopted. That rule, which is the existing rule, except for the number of signatures necessary, provided for 145 signatures. Of course, that number is exactly one-third of the membership of 435, but the number "145" was used instead of the fraction "one-third."

In the Seventy-fourth, the present Congress, on the opening day, January 3, 1935, the existing discharge rule, requiring only 145 signatures to a petition to discharge a committee, was amended to require a majority of the total membership of the House. (CONGRESSIONAL RECORD, Jan. 3, 1935, p. 13.)

It is interesting, and possibly significant, to note the addition of the word "total" in this amendment, which word did not occur in the rule adopted in the Sixty-ninth Congress on December 7, 1925, which required a majority of the membership.

It cannot be gainsaid that on any inquiry as to the membership of the House the answer would be 435. It is beyond conception that the answer would contain the qualification that except it is only 429 now, because we have 6 vacancies by reason of death and resignation.

Because the question has never been raised before, it should be of assistance in determining the issue, to refer to

the debate on the adoption of the present rule. This debate will be found in the CONGRESSIONAL RECORD of the first session of the Seventy-fourth Congress on January 3, 1935, on pages 13 to 20.

The gentleman from New York [Mr. O'CONNOR], chairman of the Rules Committee, offered the resolution (H. Res. 17) to amend the discharge rule, being rule XXVII, by amending the last sentence of the first paragraph of section 4 thereof to read as follows:

When a majority of the total membership of the House shall have signed the motion, it shall be entered on the Journal, printed with the signatures thereto in the CONGRESSIONAL RECORD, and referred to the Calendar of Motions to Discharge Committees.

Debate thereupon followed, opened by Mr. O'CONNOR. In the course of that debate the distinguished gentleman from Wisconsin [Mr. O'MALLEY] said:

Under the proposed change 218 Members are necessary (p. 14).

Mr. O'CONNOR referred to the change as "the 218 rule", and referred to the rule as requiring the signatures of "218 Members."

The distinguished gentleman from Pennsylvania [Mr. DUNN] said (p. 14):

Does not the gentleman [Mr. O'CONNOR] believe that the number of 145 is really more democratic than 218?

The distinguished gentleman from Pennsylvania [Mr. RANSLEY], the ranking minority member of the Rules Committee, in opposition to the proposed change in the rule, said (p. 15):

It is now proposed to increase that number to 218, which means an absolute majority, not of the Members present when the matter is to be considered, but a majority of the membership of the entire House.

The distinguished gentleman from Massachusetts [Mr. MARTIN], the assistant and acting leader of the minority, said (p. 15):

I say without hesitation we are taking a backward step today if we increase the number required to discharge the committee from 145 to 218.

The distinguished gentleman from Indiana [Mr. GREENWOOD], second ranking majority member of the Rules Committee, said (p. 16):

* * * This amendment will change it from 145 to 218.

Whereupon the distinguished gentleman from Illinois [Mr. KELLER], who opposed the change, referred to the change as requiring "218 signatures."

The distinguished minority member from Minnesota [Mr. KNUTSON] referred to the number of signatures necessary as "increased to 218" (p. 17).

The distinguished gentleman from Massachusetts [Mr. CONNERY] twice referred to the resolution under debate as "changing this rule from 145 to 218", and as the "218 rule" (p. 18).

The distinguished gentleman from Michigan [Mr. MAPES], one of the outstanding parliamentarians of the House and a member of the Rules Committee, referred to the proposal as one "to require 218 Members to sign the petition" (p. 19).

Again Mr. KNUTSON, of Minnesota, referred to the proposal as "a new rule requiring 218 signatures on a motion to discharge a committee" (p. 19).

Again, Mr. DUNN of Pennsylvania said (p. 20):

I am opposed to changing this rule from 145 to 218.

From the above references to the debates it is reasonably deductible that the figure of "218" was definitely in the minds of the Members of the House when the last change in the discharge rule was adopted. The Chair might state that he heard the debate which occurred on the adoption of this rule at the last session of this Congress, and there was not a single Member of the House who discussed it, either for or against the proposed change, who did not refer to and accept the idea that it meant 218 Members of the House.

The rule is commonly referred to as the "218 discharge rule", and no question has ever been raised until now as to the reduction of that number by reason of deaths or resignations, and so forth, of Members.

It is in the interest of proper and orderly parliamentary procedure that the number of signatures required on any such petition to discharge a committee should be definitely known and ascertained in advance. The number required should be stable and not variable from moment to moment. It might well be that deaths of Members could happen without the House being advised at the very moment. Likewise, resignations, which properly are sent to the Governors of the States, might not at the immediate moment be called to the attention of the House.

The Chair will divert for a moment to call attention to the fact that the gentleman from Ohio [Mr. Underwood] sent a formal notification of his resignation to the House on yesterday, whereas he resigned last week.

Nor is it beyond the realm of possibility that resignations of Members might be deliberately presented so that the number of signatures already filed on a petition might constitute a majority under the contention of the gentleman from Wisconsin [Mr. BOILEAU].

Because of all of the foregoing reasons the Chair is constrained to hold that under the "discharge rule" of the House, requiring "a majority of the total membership of the House", the exact number of 218 Members was intended, and is necessary before a discharge petition is effective, and no less number will suffice, irrespective of temporary vacancies due to death, resignation, or other causes.

BILL S. 3524, TO PROVIDE FOR THE CONTROL OF FLOOD WATERS IN THE MISSISSIPPI VALLEY, TO IMPROVE NAVIGATION ON THE MISSISSIPPI RIVER AND ITS TRIBUTARES, TO PROVIDE FOR IRRIGATION OF ARID AND SEMIARID LANDS, AND FOR OTHER PURPOSES

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from the Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, a bill introduced in the Senate—S. 3524—proposes a Mississippi Valley authority as an instrument for the attainment of the following objectives:

First. To provide for the control of the floodwaters of the Mississippi River Valley.

Second. To improve navigation on the Mississippi River and its tributaries.

Third. To provide for the irrigation of arid and semiarid land.

Fourth. To provide for the restoration and preservation of ground water levels in the Mississippi Valley.

Fifth. To protect and preserve the fertility of the soil of the Mississippi Valley.

Sixth. So far as is consistent with and in order to lessen the expenses of flood control, navigation, and irrigation, to provide for the generation, transmission, distribution, and sale of electric power.

These are worthy objectives, and their attainment should be fostered by the Federal Government; but the methods proposed in this bill are so inconsistent with the best principles of governmental organization that they promise in the long run to hinder rather than promote the improvements that it intends to stimulate.

The vast area of the Mississippi Valley involves a great number of streams of widely varying characteristics, and the manifold possibilities of their development give the bill an almost unpredictable scope. A somewhat similar authority has been established in the Tennessee Valley as an experiment to determine the practicability and workability of such an administrative and executive instrument. The working out of this plan should be observed carefully over an extended period so that the measures of its advantages and disadvantages can be weighed accurately and confident judgment passed on them before similar developments are tried elsewhere, and particularly before similar developments on even a much larger scale are undertaken or even seriously considered.

The proposed Mississippi Valley Authority would be in its essence a field administrative agency charged with the execution of operations widely divergent in character en-

compassing an area approximately three-fourths of the continental area of the United States. In that vast region this corporation would supersede many thoroughly qualified existing departments of the Government, schooled by long experience and training in their several fields of activity, and better fitted by organization, talent, experience, and aptitude to carry on the development of the Mississippi Valley as they have supervised it throughout the Nation for many years than any other organization likely to be devised.

Expansion and extension of the work of these great groups is merely a matter of providing additional appropriations. With such appropriations they can carry out and attain, more efficiently and more promptly than any new and untried agencies can hope to do, the objectives toward which this bill is directed.

In particular, it is my conviction that the services of the Army engineers in the development of the Mississippi Valley cannot be dispensed with or curtailed without disastrous consequences. Most of the objectives of the bill are centered around the improvements of the rivers of the valleys and hinge upon the regulation of stream flow, control of floods, improvement of navigation, the generation of hydroelectric power, and the irrigation of arid and semiarid lands. River improvement of these classes have been included in the duties of the Army engineer organization for a century. The Congress has very wisely entrusted the execution of its directives to that efficient organization, and the reasons and the wisdom of that course has been convincingly demonstrated.

The Army engineer organization constitutes the only general engineering organization of considerable magnitude in the Government service. All of the other engineer organizations—and there are many of excellent quality and talent throughout the several governmental departments—are closely specialized and their organization and talent are devoted to the particular tasks for which they were created. On the other hand, the War Department must maintain for use in time of war an engineering organization qualified to perform, under the stress of war emergency, in the most expeditious and efficient manner, any engineering task incident not only to the conduct of military operations, offensive and defensive, but also to the civil activities which must back up and supplement the military activities. War grows more and more complicated with the development of scientific instruments; and with the organization of entire nations in arms, military operations become more and more nearly an application of all of human arts and knowledge to the purposes of frustrating an enemy similarly organized and prepared. The Army engineers must therefore be prepared to provide any service that may be needed in the entire field of engineering, on any scale that may be demanded.

For such primary purposes it is necessary to maintain in time of peace a highly trained, skilled, and energetic engineer organization as an important part of the National Military Establishment. It must be practically experienced in the conduct of engineering work of varied kinds. It must be capable of extraordinarily rapid expansion to meet the needs of war. All of these primary qualifications in the engineering arm of the military service can be developed only by professional application in time of peace which, as the Nation has recently had impressive evidence in the devastating floods that have occurred this year, has its emergencies no less than those of war.

So I can cite, with complete confidence, the obvious wisdom of the Congress in developing this great general engineering organization through the years, and utilizing it to the fullest extent in time of peace in the execution of governmental engineering enterprises of all kinds that are not inseparably a part of the work of some other existing Government department. The interests of the Government in national defense, as well as in the economy of its peacetime activity, have all been served eminently by this wise policy. As a consequence the Army engineers have taken the leadership in almost every field of engineering, planning, design, construction, and operation. They have made surveys, exploratory, geodetic, topographical, and hydrological. They have constructed locks, dams, harbors, piers, power plants, lighthouses, breakwaters, roads, railroads, bridges, public buildings, monuments. They have salvaged wrecks, removed rock barriers, dredged channels, built levees, rectified river channels, controlled floods. In fact, every engineering activity on which the forces of the Government have been engaged throughout its history has been pioneered in some phase by the Army engineer.

To refresh the recollection of this fact it is only necessary to refer to a few notable examples. I mention the surveys west of the one-hundredth meridian; the explorations of the Missouri Valley and the great West; the highway systems of Alaska, Cuba, Puerto Rico; the Panama Canal; the Lincoln Memorial Bridge; the great Muscle Shoals power plant; the Washington Monument; the Library of Congress; the Mississippi River; the salvage of the wrecks of the *Maine* and of the *Morro Castle*. These are only the examples known to every schoolboy. The list could be extended and multiplied indefinitely. Even the river-control projects now being constructed by the Tennessee Valley Authority were conceived, located, and designed in their general features by the Army engineer organization.

While I have taken the Army engineers as a conspicuous example of the efficiency of the permanent agencies of the Federal Government, the others, too, have attained notable success and efficiency in the conduct of their specialized activities. They are younger and newer, but they, too, have built up traditions of loyalty, efficiency, self-sacrifice, and devotion to the public service of the most gratifying and inspirational nature.

If we are to develop the Mississippi Valley for the benefit of the citizens who now live in it and for others who will be attracted to it in the future—and nobody can hope for the attainment of the worthy objectives of this bill more fervently than myself—we can do so effectively, economically, expeditiously, and without danger of the introduction of politics, favoritism, and waste only by devoting to those ends the great ability of these permanent governmental organizations which have been built up in their efficiency, loyalty, and experience through the years. We cannot hope to benefit by supplanting such organizations with new and untried administrative devices for the development of a territorial area three-fourths the size of the United States. They would duplicate the work which the permanent agencies have been performing effectively for many years, and which they will continue to perform promptly and efficiently in the remaining area of the United States during the years that would be wasted in the Mississippi Valley while the proposed authority would be building its organization and learning from the beginning the lessons which the Army engineers learned a century ago and are applying diligently in the Government service today.

The report of the Secretary of War upon the bill proposing the establishment of a Mississippi Valley Authority contains sound views and principles on governmental organization. This report is quoted below.

Hon. E. D. SMITH,
Chairman, Committee on Agriculture and Forestry,
United States Senate, Washington, D. C.

DEAR SENATOR SMITH: In your letter of January 10, 1935, you enclosed S. 3524, a bill to provide for the establishment of a Mississippi Valley Authority, and providing for the control of flood waters of the Mississippi River, the improvement of navigation, and the provision of irrigation of arid and semiarid lands, and for other purposes, and asked for a report from this Department.

A careful examination of the bill indicates as its purpose a comprehensive development of the Mississippi River and tributary basins under the control of an authority similar to the Tennessee Valley Authority, but with broader and more varied powers. The large area involved, the great number of streams of miscellaneous characteristics, and the many purposes of the proposed development give the bill an almost unlimited scope. The Tennessee Valley Authority was established as an experiment to determine the economic practicability of a combined utilization of the water resources of the Tennessee River in connection with its improvement for navigation. It should be worked out more completely, so that the measure of its advantages and difficulties can be accurately weighed before new but similar developments are tried elsewhere, or on a larger scale.

The Mississippi Valley Authority would be essentially a field administrative agency charged with the execution of operations in

an area comprising approximately three-fourths of the United States. The limits of a field administrative agency should be such that its executive head can fully supervise the operations within the territorial area without material loss of time in visiting the works therein. The most efficient results can be obtained from such an agency only when the kinds of work it has to do are of the same general type, or at least closely allied in character. An enlarged field area in which the immediate executive is unable personally to supervise the activities of the area, or which groups a number of activities involving widely different techniques, would require an inordinate number of highly paid senior executives and greatly disproportionate overhead costs. The engineering organization of the War Department is now charged by law with the preparation of plans and the execution of works for the improvement of rivers, harbors, and other waterways. Its work is subdivided into areas of suitable extent for efficient administrative and field control and by technical assignments adapted to efficient planning and supervision. Similarly, the other major engineering organizations of the Government are equipped to handle efficiently and economically their particular specialized assignments throughout the country. The creation of a Mississippi Valley Authority would remove a large area from the jurisdiction of the established Government agencies and would deprive the Government in this area of the capable services afforded by the trained personnel of these agencies. Savings can be effected only by a curtailment of the services rendered to the public.

Land improvements to protect and increase the fertility of the soil and for allied purposes are of great social usefulness, but they are not so closely related to waterway improvements as to require their planning and execution by the same organization. Neither is it necessary for economy or other reasons to have one organization in charge of both irrigation developments and stream improvements for flood control and navigation. Irrigation plans are generally separate and distinct from flood-control and navigation plans, and they are now being satisfactorily developed by distinct organizations equipped for specialized study.

The established organization of the Government contemplates intimate control by Congress and the President of its activities through the several executive departments authorized by Congress and functioning directly under the President. The records and duties of these departments are well conceived, and the necessity is not apparent, except under emergent conditions, for the creation of a superorganization, or corporation, which may not be fully responsive to congressional direction. Such a corporation, with broad general powers to carry out large and varied public improvements at enormous cost over an extensive territory, embracing almost three-fourths of the United States, would function in the field of diminishing returns and thus reduce the degree of control now maintained, with the inevitable result of waste, increased overhead, and loss of efficiency in execution. The War Department, therefore, does not view the proposed bill with favor.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

———— ————,

Secretary of War.

The SPEAKER. The Chair will state there are two special orders this morning. The Chair announces to the House that in deference to those Members and also under the orders of the House, he will not recognize anyone for any business except those who wish to extend their own remarks or to correct the Journal.

THE GOVERNMENT MUST PROTECT ITS CITIZENS FROM EXPLOITATION

Mr. HILDEBRANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, thinking people will applaud President Roosevelt's words in Baltimore in what was virtually the opening speech of his campaign for reelection. The President made it clear that, so far as his administration is concerned, the Government intends to continue seeking to eliminate unemployment, poverty, and economic injustices.

The old doctrine of leaving things alone and letting predatory interests do whatever they please is no longer in favor. It is now recognized that the Government has a definite obligation to protect its citizens from exploitation. Just as, in time of war, official authority is utilized to protect the people from the enemy, so in time of peace this authority should be used for their defense against another foe. Economic insecurity is certainly as much an enemy as any alien army—more so, in fact, for no alien army has ever invaded the United States, and the wars in which we have participated have been only occasional, while uncertainties of livelihood are ever present, so far as a large share of the population is concerned.

When the Executive declared that "the Government must give, and will give, consideration to such subjects as the length of the working week, the stability of employment on an annual basis, and payment of at least adequate minimum wages", he voiced the sentiments of average people. Such a view is not satisfactory, of course, to those who extort vast profits from the public and who thrive by legalized robbery, but it is eminently satisfactory to the general run of citizens. Big business is prone to quote Thomas Jefferson's statement that the best government is that which governs least, but the remark was made by Jefferson in quite a different sense than that in which it is misused by profiteers. Jefferson was opposed to official interference with purely private matters, but he was equally against letting greedy interests ride roughshod over the rights of the masses. In this highly industrialized civilization, regulations are needed that would have been entirely unnecessary in the age in which Jefferson lived. A nation of many farms, only small villages, and no great cities did not require traffic restrictions that are imperative today. To argue against such restrictions by quoting Jefferson would be no more illogical than to argue against strict control over industrial and trade matters.

MEETING OF SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY DURING THE SESSION OF THE HOUSE

Mr. CITRON. Mr. Speaker, at the request of Subcommittee No. 4 of the Committee on the Judiciary, I ask unanimous consent that this committee be permitted to sit during the session of the House this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ABSENTEE VOTING

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a few short excerpts from the Georgia law with reference to absentees voting.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, since the foundation of our Government the right of our citizens to exercise the ballot has been one of our most cherished possessions. Our forefathers fought for this right, and it seems to me that those who believe in good citizenship should not fail to exercise this privilege.

With reference to those who work for the Federal Government, I would personally go further and say that the Federal employee who fails to maintain his or her registration, who fails to qualify under the laws of the State from which such employee comes, is to that extent failing to be a good citizen and a good employee.

Of course, there are certain restrictions placed by law upon the activities of employees in the classified civil service. They are not permitted to be active in partisan politics, but this does not in any way circumscribe their right to vote. They should vote, but, of course, should vote as they please and should not be in any way influenced in the exercise of this right by political parties or supervisory officials.

With the exception of the people who have their legal residence in the District of Columbia, I feel that every employee of the Government in Washington should exercise the right of citizenship by qualifying and voting in our elections. Forty-one States now provide for absentee voting, and a majority of the States permit absentee registration.

The citizens of Georgia now residing in the District of Columbia can get assistance if they desire to qualify for voting by contacting the Georgia Democratic Club, whose offices are located at 1110 F Street NW., telephone National 7902.

Georgia has no method by which a person may register as a voter by mail, but having once qualified for voting, it is possible for our citizens residing in the District to cast an absentee ballot by complying with the State laws on that subject.

In the hope that it may be of some benefit to my fellow Georgians now residing in Washington, I submit the following information in regard to absentee voting and qualifications, registration, and becoming a voter:

ABSENTEE VOTING

The act of 1924, section 34–3301, Code of Georgia of 1933, provides that any voter, when required by his regular business and habitual duties to be absent from his regular place of voting, and then only, may vote by absentee ballot. He must follow the following procedure:

First. Apply by letter sent by registered mail to the registrar of his county for a ballot. This letter must be registered and must be sent to the registrar not less than 30 days nor more than 60 days prior to the primary or general election, and the applicant must enclose with his application sufficient postage for the return of the blank ballot to him (sec. 34–3302).

Second. Upon receipt of the application, the registrar shall satisfy himself that the applicant is duly qualified to vote in the county, and shall enroll the name and address of the applicant, if found eligible, in a book to be provided for the purpose (sec. 34–3305).

Third. The registrar shall then forward to the applicant, if found eligible, (a) a certificate to the effect that the applicant is a qualified voter and that his application has been received and mailed to the indicated address. To this certificate other certificates are attached outlining the procedure to follow in opening and completing the ballot, also designating the necessary person to attest the ballot and certificates.

(b) A properly addressed envelope for the return of said ballot.

(c) A printed slip giving full instructions regarding the manner of marking the ballot in order that it may be counted, how prepared and how returned, which printed slip shall be provided by the ordinary or executive committee (sec. 34–3305).

Fourth. Upon receipt of these documents the applicant shall not open the sealed envelope marked "Ballot within", except in the presence of the postmaster at the address where he receives his mail, and he shall then mark and refold the ballot without assistance and without making known the manner of marking same, and then and there place the ballot in the envelope provided for that purpose in the presence of the postmaster (sec. 34–3303).

Fifth. The postmaster or his assistant or, in the case of their refusal to act, any person qualified by the laws of Georgia to take acknowledgement of deeds, shall fill out and sign the coupon attached to the certificate of registration and enclose the coupon with the ballot in the sealed envelope provided for that purpose (sec. 34–3303). In case the applicant is located in a foreign country, the procedure is taken before an American consul, and if the applicant is enlisted in the Army or Navy, before his commanding officer (sec. 34–3304).

Sixth. The applicant, after having the ballot marked and attested as stated, reseals the same in the special envelope provided for that purpose, which must be done in the presence of the postmaster or his assistant, and then place this envelope containing the ballot and the voucher in another envelope directed to the registrar, which is then mailed (sec. 34–3307).

Seventh. Upon receipt of the returned ballot, the registrar shall make an entry on the book referred to in the following language:

Deposited in sealed box by me on —— ——, 19——.

The registrar shall then add his signature and shall deposit the envelope containing the ballot in a sealed box to be provided for that purpose where it shall remain until the day of the election. The coupon which is returned to the registrar along with the sealed envelope containing the ballot is filed with the original letter of application. The return sealed envelope must show the series number and letter of the ballot deposited therein (sec. 34–3311).

Eighth. On the day of the election the registrar shall deliver the box containing these ballots to the managers of the election, with a triplicate list thereof, all of which shall be in a sealed box. They shall also deliver to the managers the pad or pads with stubs showing the series number and letter of the ballots furnished, and no ballot shall be counted unless the series letter and number on the stub shall correspond with the series letter and number on the ballot contained in the envelope returned by the voter (sec. 34–3312).

Ninth. At the close of the election this box is opened by the managers and the ballots deposited in the regular ballot box. As each envelope is removed from the sealed box the name of the voter is called and checked, as if he were present, voting in person (sec. 34–3313).

Tenth. When all the ballots have been accounted for and either voted or rejected the empty envelopes are returned to the original box, which is again sealed, with the letters of applications and coupons of the rejected envelopes, if any, on which shall be written the cause of rejection, signed by a majority of the managers. The box shall then be resealed and not opened within 90 days except by order of the court (sec. 34–3314).

In all county elections the county executive committee or city executive committee, as the case may be, or other particular authority, shall provide to the registrars ballot forms for absentee voters, which shall be printed and prepared in pads with the series number different from that used for voters who vote in person, each ballot having a stub containing the series letter and number of the ballot. These ballot forms are to be furnished to the registrars as required.

The above is, in substance, the contents of the act of 1924, codified as chapter 34–33 of the Code of Georgia of 1933.

QUALIFICATION OF VOTERS FOR THE PRIMARIES AND GENERAL ELECTION OF 1936

First. Any citizen who will be 21 years of age on or before November 3, 1936, may register and vote in any primary or general election of 1936.

Second. To qualify to vote in any county or State primary held after May 3, 1936, to nominate candidates for the general election in 1936:

(a) Any person offering to vote must have been duly registered as provided by law, and his or her name must appear on the voters' list prepared by the board of registrars and filed in the office of the clerk of the superior court. A voter must be thus qualified to vote in the general election in which candidates are being nominated before he or she can vote in any primary to nominate candidates for the general election.

(b) All past due poll taxes, if any, including poll taxes for 1935, must have been paid on or before May 3, 1936.

Third. In any primary held before May 3, 1936, the board of registrars may at any time file supplemental voters' list in the office of the clerk of the superior court, giving the names of voters not on the regular voters' list that have qualified to vote, and when a copy of the same has been furnished to the election managers such persons may then vote.

Fourth. Poll taxes are levied as of January 1 of each year and become past due after December 20 of each year. The payment of poll taxes for 1936 is not a necessary qualification to entitle one to vote in the primaries and general elections of 1936, as poll taxes for 1936 will not be past due until after December 20, 1936.

Fifth. Male citizens are not liable for poll taxes for the year in which they become 21 years of age unless they become 21 on January 1. They are liable for poll taxes for each succeeding year until they become 60 years of age.

Sixth. Female citizens are not liable for poll taxes until they register and then are not liable for poll taxes for the year in which they register unless they register on January 1. They are liable for poll taxes for each succeeding year until they become 60 years of age.

Seventh. Female citizens, after having once registered, cannot now have their names stricken from the registration list as they could before 1928. Once registered, they remain registered and subject to the payment of poll taxes as provided by law and may become disqualified to vote for failure to pay poll taxes when and as due.

Eighth. May 3, 1936, is the last day for paying poll taxes, registering, and qualifying to vote in any primary held after May 3, 1936, and in the general election in 1936. No one can pay poll taxes, register, or otherwise qualify after May 3, 1936.

INIQUITIES OF THE PRICE-DISCRIMINATIONS BILL

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, including therein an address I made over the radio on the subject of price discrimination.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD I include my address delivered over the red network of the National Broadcasting Co. on Saturday, April 11, 1936, as follows:

As one of the ranking members of the Judiciary Committee of the House of Representatives, I desire to voice emphatic protest against the enactment of the so-called price-discriminations bill, sometimes called the Robinson-Patman bill.

Why do I oppose? Because the consumer will be made the goat. It will be a raw deal for the housewife. There was ample testimony before our committee that the enactment of this bill would increase the cost of food alone to the consumer by approximately $750,000,000 annually. The increase in the cost of clothes and other essentials would be comparable. Prof. Harold G. Moulton, director of the Brookings Institution of Washington, a distinguished economist, said:

"This bill, insofar as it would strike at all those who have heretofore been effective in reducing prices, to that extent will raise prices."

If I do nothing else in Congress, I will throw myself across the path of this monstrosity of a bill.

We have passed tariff bills to help the manufacturer. We passed the Guffey coal bill to help the coal miners. We passed a Soil Erosion Act to help the farmers; a Wagner bill for the employees. Have we ever passed a bill specifically to help the consumer? Emphatically, no—because they are not organized. Their voice is inarticulate. The least we can do is to prevent the passage of a bill that will hurt the consumer. You, Mr. Breadwinner, and you, Mrs. Housewife, if you at least want your wages to go as far as they have gone heretofore in purchasing power and do not want those wages to buy less, protest to your Congressmen and Senators and tell them you want their unconditional opposition to this bill.

WHAT, SPECIFICALLY, DOES THIS BILL DO?

It sets up, in disguise, some of the more vicious features of the N. R. A. It would prohibit price differentials based on definite quantities of goods sold unless justified by a difference in cost of manufacture, sale, or delivery. In other words, this bill would prevent generally effective quantity discounts on large purchases. It also establishes arbitrary classifications of buyers instead of classifications worked out by sound-business practice based upon years of experience. The bill is supposed to amend the Clayton Act, which makes quantity discounts unlawful only as they tend to create a monopoly or lessen competition. The Clayton Act requires free and open competition, whereas this bill stifles competition and compels price discriminations. This bill in addition sets up the Federal Trade Commission as a "satrap" with unlimited power to issue orders fixing and establishing quantity discount limits on all classes of commodities. The said Commission is given the unrestricted right to prohibit differentials based on differences in quantities greater than those it elects to fix and establish. Thus it can establish a ceiling—making it high or low as it sees fit—and discounts cannot be made effective beyond that ceiling unless expensive court procedure reverses the Commission in proceedings under which the Commission's findings as to facts are accepted as final. This is a very broad and a very unusual power to extend to an administrative body, responsible neither to the Congress nor to the President.

THE FEDERAL TRADE COMMISSION WILL BE CONVERTED INTO A HUGE BUREAUCRACY

How many articles are there generally in commerce? This is difficult to answer. The average wholesale pharmaceutical concern, e. g., handles 70,000 separate items. A typical department store handles over 100,000 items. The average retail druggist alone handles 8,000 articles. The only method of visualizing a totality of the number of articles of commerce is to multiply these typical figures by the scores of lines of endeavor not mentioned. Assume, to be conservative, that this total is a quarter of a million. That would mean that the Federal Trade Commission would have to employ thousands of experts to pass upon the merits of the tens of thousands of controversies that would be thrown upon it. Such a job would baffle Athena herself. Everyone of the 2,000,000 and over businesses large enough to be listed in Dun & Bradstreet is a potential litigant before the Federal Trade Commission in connection with this bill—not on one item but on scores, and not once a year but dozens of times. Furthermore, there would be imminent danger of harassment to every business of all sorts. Informers would abound everywhere. Unfair competitors would be all too anxious and willing to file complaints.

THE BILL WOULD BE UNENFORCEABLE

There would be a recurrence of the "bootlegging" as under the N. I. R. A. You can pass all the laws you wish against spooning in the park, yet "necking" in the park will be as popular as ever. So here you pass a bill interfering with the natural laws of competition, with age-worn traditions of commerce, but those habits and customs will be just as potent as ever. As to the unbridled bureaucracy involved it is well to recall the recent S. E. C. case as evidence of the determination of the Supreme Court to scotch bureaucratic invasion of the citizen's rights. When you compare the prices that your grandfather paid for the essentials and conveniences of life with the prices that you pay today; when you compare the price, for example, that you paid for an automobile a decade ago with what you pay for one today, you can see vast reduction in prices. That has been due to mass production and mass distribution and elimination of numerous functions and services in the fabrication and transportation of the goods from the manufacturer to the consumer, as well as to the immemorial right to reduce prices as the result of larger quantity of purchases. Large distributors buying larger quantities are able to pass these savings on to the consumer. The Supreme Court of the United States recognized this recently when it placed the imprimatur of its approval on quantity discounts. Chief Justice Hughes said "that encouragement of large sales through quantity discounts might reasonably be expected to build up total production, and thus effect economies."

Thus we have this anomalous situation. The proponents of this bill frown on "quantity discounts", which the Supreme Court approved.

THE SMALL MERCHANT WOULD NOT BE HELPED

This bill would also prohibit payment of brokerage fees to anyone directly or indirectly connected with the buyer. Would this benefit the representative independent merchant? Obviously not. On the contrary. The voluntary groups or associations of independent stores (there are over 100,000 members of voluntary chains in the grocery field alone) which gain a considerable proportion of their competitive advantage through performing their own brokerage function, would be seriously hampered in buying deprived of such brokerage. They would be compelled to deal in all cases through an independent broker or middleman. This will add to their costs. This will increase their prices to consumer. This bill would prohibit the paying of any service compensation to merchants, such as allowances for advertising or sales promotion, unless such allowances were proportionately available to all customers alike. Would this help the small merchant? Emphatically no.

Why? If I have a retail shop at Forty-second Street and Broadway, New York City, where a window display of an advertised product is invaluable, I could get no more for that display than a shopkeeper who has his place of business along the water front or in the gas-house district, where the window advertising display isn't worth a tinker's damn. Any small merchant in a good location would be hurt by this prohibition.

Furthermore, the small manufacturer must rely on selected point-of-sale advertising. He cannot possibly afford to buy this type of advertising from all of his customers (regardless of their ability and facilities to perform a service). By this prohibition he would be put to a great competitive disadvantage with the large manufacturer (with plenty of money for advertising). From the point of view of the independent retailer, reduced advertising of standard items would immediately result in reduced sales and hence with lower volume would result in a smaller profit margin. Thus one of the effects of this bill, which is designed to discourage monopoly, might well actually encourage monopoly, i. e., help make the large manufacturer much larger.

WOULD THIS BILL IMPROVE THE POSITION OF LABOR?

Again, no. It would increase the price of goods to the consumer. Therefore, the state of living of the laboring man would be reduced because his wages, which will not be increased, would buy less. This reduced demand for goods reduces manufacturing volume, which in turn increases against the cost of manufacturing. This invariably results in the lowering of wages or the laying off of labor.

THE REQUIREMENT OF F. O. B. METHOD OF DELIVERY, I. E., OUTLAWING ALL BASING POINTS, WOULD SERIOUSLY DISLOCATE ALL INDUSTRY

Regardless of the merits or demerits of this system of pricing, it must be remembered that another committee in Congress has been wrestling with this problem for some time and is about to report out a bill specifically addressed to this problem and based on careful and thorough study of its many ramifications. To interject such far-reaching legislation into this bill, which has had the benefit of no hearings on the subject whatsoever, since this is an entirely new provision, is most ill-advised and dangerous.

The method of pricing would have most serious and deleterious effects upon industry. It will mean that prices to the vendee will vary in accordance with distance and cost of transportation from the seat of manufacture or extraction, as in the case of coal or other minerals. All quotations must be f. o. b. manufacturing plants or mines. This restriction will localize all industry and manufacturing.

The circle of customers, therefore, will be more and more definitely delimited. The result will be increases in manufacturing and distributing costs and cutting off from customers of the full benefits of mass production and distribution. The consumer again will "pay the piper."

IS THIS BILL LIMITED IN ITS EFFECT JUST TO CHAIN STORES?

No. The bill, although prepared and sponsored by a small wholesalers' group, is broad enough in its terms to affect practically every line of business.

I hold no brief for the chain stores. They doubtless have many besetting sins. Any efficient independent with up-to-date methods need never fear the chain. I repeat, chains are not guiltless. They deserve some restrictions, and any unfair or predatory practices like "loss leaders" should be outlawed, but certainly we should not give vent to our spleen against the chains, if thereby we bring ruin to other distributors and manufacturers and thus hurt and harm the consumer and the laborer.

WHAT EFFECT WILL THE BILL HAVE UPON FARMERS?

Very bad indeed. The city dwellers of modest means spend a very heavy percentage of their expenditures for products of the farm. Furthermore, the farmer spends an important percentage of his expenditures for fabricated articles. Therefore, this bill becomes a double-edged sword at the farmers' throats, for it would both raise the price of articles they buy and, by reducing the purchasing power of city dwellers, cut down the amount that could be spent for their products.

Numerous farm organizations, like the National Farm Bureau Federation and the National Cooperative Council, appeared in opposition to the bill.

THE BILL IS PALPABLY UNCONSTITUTIONAL

It seeks to ape the Agricultural Administration Act and the National Industrial Recovery Act in an endeavor to regiment industry and place business in a strait jacket by regulating prices, aside from the questions of monopoly and unfair competition. It will meet the same fate in the courts as did those measures. It involves an unrestrained delegation of legislative power to the Federal Trade Commission without sufficient standards or safeguards. In addition, it tries to interfere with purely intrastate commerce. Keeping in mind the Schechter decision, which declared the N. I. R. A. unconstitutional, I cannot waive aside the thought that any attempt to regulate the cost of a chicken in a slaughterhouse is no different than an attempt to regulate the price of a pill or a plaster in a drug store or the cost of a bunch of soup greens in a grocery shop. The independent druggist and grocer, who seems to want regimentation and regulation with a vengeance, is simply deluded in a sponsorship of this bill. when they come to their sober senses they will realize that the cure will be worse than the disease.

Remember, this bill seeks to do the impossible—make equals out of unequals.

SOME ASPECTS OF TAXATION

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANLEY. Mr. Speaker, for a long-range policy no student of taxation can view with equanimity the present ratio of excise taxes to other constitutional impositions. The following table discloses the percentages of the six great tax brackets:

	Percent
Income and surtax	31
Customs	12
Excise (processing taxes excluded)	50
Death duties	4
Stamp taxes	3
Miscellaneous	None
Total	100

It will be seen that excises, excluding the processing taxes, take 50 percent of the burden of the entire fiscal scheme of this country. Most economists and tax experts are convinced that this type of tax is inevitably passed on to the consumer irrespective of the source of the governmental payment. Who but the consumer pays our theater, our tobacco, and our other semiluxury taxes? If the consumer does not pay them, industry itself must foot the bill, and this in itself is a hardship, especially if it is a small industry that is affected.

Aside from this angle, is it not a dangerous policy to exhaust half of our taxing possibilities in one field alone? Is that a well-balanced long-range scheme? Are there not too many eggs in one basket?

If our internal revenue was built upon income taxation alone, it would be such a burdensome method of imposts that it would eventually wear itself out. Periods of depressions disclose that incomes are severely hit first of all. Too great reliance on this form of collection is dangerous. Reasonable percentages of all types of taxes are necessary for a well-balanced system. Let us look at the English system:

	Percent
Income and surtax	41
Customs	26
Excise (processing taxes excluded)	16
Death duties	13
Stamp taxes	3
Miscellaneous	1
Total	100

We derive three times as much revenue from our excises as do the British. With the great and startling disparity between the investing and consuming public in the early days of the depression it is quite obvious that this type of tax places a disproportionate burden on the consumer. There is in addition always a legislative tendency to use it as its effect is less direct and not felt by the receivers as quickly as the other increases would be. Here again the class that is imposed upon has less facility for quick observation and apprehensiveness of the legislative changes than others and are thus never in a realizing sense of the dangers of indirect collections.

In following the line of least resistance in this respect, the nations which have unconsciously made the excise tax the recipient of the heaviest assessments have gone to another extreme to make this classification bear an additional load. This is the practice of extending the lists of commodities. Obviously the barrier of nuisance difficulties has prevented some extensions beyond reason, but still there has always existed the temptation to overload this pack horse with further necessities, luxuries, and semiluxuries beyond the point of saturation and endurance.

It is submitted that rates on alcoholic beverages, tobacco compounds, and a well-chosen list of extensively used semi-necessities which are just this side of absolute necessities may be used. With these provisions the additional aids of ready accessibility and easy supervision are necessary. Obviously also no tax is so adaptable for these tests as that of gasoline but that placement has been so overworked by all types of governmental subdivisions that further or even continued impositions are provocative of partial confiscation.

It is easy to see that the rule that consumption works inversely to taxation at certain points is all too true. When we realize the tremendous structures which depend upon the use of gasoline alone in the car manufacturers, and oil-refining industries, distributing stations, the tire industry, the insurance field, accessory fabrications, road patrols, and courts, it can easily be seen what instant repercussions are possible in the further incidence of taxes on this all-important commodity. It is the time-old procedure of working a good thing to death.

The excise field itself is bracketed within the tried taxes on all types of spirits in a domestic and foreign sense, on beers, mineral and table waters, wines, tobacco, sugar, matches, lighters, gasoline and oils, amusements, and the larger brewer collections, furs, jewelry, and kindred articles, all with past revenue histories.

In pointing out the terrific burden that is being borne by excises it is, of course, understood that mere changes here are not enough. One should obtain a picture of the entire tax structure of this country in the local and Federal phases and also contrast our system with the British where greater experience is evident. The picture must be painted in its entirety.

Here, for example, we insert the contrast in bulk payments of taxes between our Federal and State Governments. These figures are taken from the admirable report of the Magill-Parker-King committee, which has just published A Summary of the British Tax System. We quote:

In neither the United States nor Great Britain are the data covering local revenue or receipts entirely satisfactory or up-to-date. However, some close approximations of the total tax burden may be made. Tax customs and revenue re United Kingdom, year 1933–34 total.

TAX AND CUSTOMS REVENUE, UNITED KINGDOM, YEAR 1933–34

Total National Government receipts, taxes, and customs	$3,417,395,000
Total local government receipts from taxes	1,142,425,000
Total	4,559,820,000
Per-capita burden	99.11

TAX AND CUSTOMS RECEIPTS, UNITED STATES, FISCAL YEAR 1934

Total National Government receipts, taxes, and customs	$2,985,673,000
Total local government receipts from taxes	6,416,064,000
Total	9,401,737,000
Per-capita burden	74.37

It can be seen from the above data that the per-capita tax burden in Great Britain is about 33 percent more than the per capita burden in the United States. The British National Government collects about three times the amount collected by the local subdivisions. In the United States the reverse is true, and the local subdivisions collect over twice the amount of tax collected by the National Government.

EXPENDITURES

It should be noted, however, in connection with the fact that the per-capita tax burden in the United States is considerably less than in the United Kingdom, that in respect to expenditures at this particular time a number of factors must be considered. Although between March 4, 1933, and June 30, 1934, the national debt had increased by about six billion, there are important offsets to this amount, including such items as an increase in cash balance, "profit" resulting from the change in the gold content of the dollar, securities consisting of notes and other obligations held by various agencies in which the Government has an interest, and projects financed in whole or in part from Federal funds. In making comparisons of the local and national tax burdens in the two countries, it is difficult to give effect to the weights of these various factors. Therefore, for present purposes they are eliminated, and the following comparisons are noted merely from the angle of actual expenditures:

TOTAL EXPENDITURES

United Kingdom, year 1933–34:	
Total National Government expenditures, including grants to local governments	$3,467,095,000
Total local government expenditures, excluding expenditures out of grants from National Government	1,840,000,000
Total	5,307,095,000
Per-capita expenditure	115
United States, fiscal year 1934:	
Total National Government expenditures	7,105,050,000
Total local government expenditures	9,697,000,000
Total	16,784,050,000
Per-capita expenditure	133

In respect to expenditures, therefore, it would appear that the per-capita expenditure in the United States during the past fiscal year was about 16 percent more than the per-capita British expenditure.

The above comparisons do not take into account certain receipts from interest, lands, tools, and so forth, in the respective countries.

NATIONAL DEBT

It is perhaps fitting to compare the national debt of the United Kingdom and the United States, since the payment of these debts is an important consideration in connection with revenue requirements.

United Kingdom, Mar. 31, 1934:	
Total internal debt	$34,543,405,000
Total external debt	5,182,725,000
Total gross debt	39,726,130,000
Total net debt	39,111,650,000
Per-capita debt	850
United States, June 30, 1934:	
Total public national debt	27,053,141,414
Per-capita debt	215

It further may be estimated from reliable sources that the debt of the local subdivisions in the United Kingdom amounts to about $6,505,000,000, and in the United States to about $19,600,000,000. Accepting these figures as approximately correct, we may state the grand total of all public debt per capita in the two countries as follows:

United Kingdom (national and local)	$991
United States (national and local)	370

It is obvious, therefore, that as to the total per-capita debt the United States is in a much better position than Great Britain.

To sum up the comparative revenue and financial situation of the United States and the United Kingdom, the following points will be briefly stated:

First. The total tax burden per capita is about 33 percent more in Great Britain than in the United States.

Second. In respect to the relative productivity of the taxes imposed by the national governments, there is comparatively little difference in the two countries, except that the United Kingdom derives somewhat more from death duties and income taxes in proportion to the total collection and somewhat less from excises than is the case in the United States.

Third. The per-capita expenditure in the United States is about 16 percent greater than the per-capita expenditure in Great Britain.

Fourth. The per-capita public debt of the United Kingdom, including the debt of the local subdivisions, is approximately two and one-half times the per-capita public debt of the United States and the States, including their local subdivisions.

To carry our study a little further in suggestive bases it might be well to briefly outline the income-tax comparison of the two countries also. It may serve as a balancing effort to those who are too prone to accept the British system in toto without discerning only the features that are best suited to this Nation.

It is said on reliable authority that the British income-tax returns have averaged 8 percent of the national income. On a comparative basis this schedule would give us over $4,000,000,000.

On all incomes in the brackets below $200,000 our rates are considerably lower than in England. To put a few concrete examples: There a man with an income of $1,500 pays $20, gives $68 for $2,000, and is taxed $158 for $2,500. When it is $3,000 a year here we pay but $22, while across the water the charge is $246, all considerably startling differences.

The area of exemptive wealth in our country includes a vast pool of people whose incomes range from zero to the last bracket of exemption. It is over 100,000,000, which means that the taxable classes above in the triangle of wealth are indeed small. England's nontaxable numbers are overwhelmingly larger than ours and in that way the British system draws into the treasury vast sums that are impossible in this country under the present system.

With this study in mind, it is well that we review the brilliant, soul-inspiring chapters in early colonial history which forever stamp the problems of taxation with the very fundamentals of representative government.

The power of taxation in the hands of the representatives of the people is the proudest heritage in the history of the American Colonies and the United States of America. Lord Camden, the English Chancelor, said in the height of the struggle on taxation preceding the Revolution:

> Taxation and representation are inseparately united. God hath joined them. No British Parliament can separate them.

Whether the British Parliament had a constitutional right to tax us as a vassal colony was a hair-line decision by the very letter of the existent law, and the overwhelming weight of opinion, backed by nonresistance and an almost abject obedience to constituted authority, seemed in the way of the American colonists.

Americans, fortunately, viewed it differently, and as one historian said:

> Very few writers went so far as to say that lawful authority might be resisted in cases of extreme necessity. But the colonizers of America, who had gone forth not in search of gain but to escape from laws under which other Englishmen were content to live, were so sensitive to appearances that the blue laws of Connecticut forbade men to walk to church within 10 feet of their wives. And the proposed tax of only £12,000 might have been easily borne. But the reasons why Edward I and his council were not allowed to tax England were reasons why George III and his Parliament should not tax America. The dispute involved a principle, namely, the right of controlling government. Furthermore it involved the conclusion that the Parliament brought together by a derisive election had no just right over the unrepresented nation, and it called

the people of England to take back its power. Our best statesmen saw that whatever might be the law the rights of the nation were at stake. Chatham in speeches better remembered than any that have been delivered in Parliament exhorted Americans to be firm.

In the Middle Ages we see that even in the very crudities of the taxing principle it was declared that no tax was lawful that was not granted by the class that paid it * * * a recognition of the inseparability of the representation and taxation. Even Philip de Commines said that not a prince in the world can levy a penny without the consent of the people. That age knew the principle of the income tax; it knew also that right of revolt was recognized and even sanctified by religion.

The 3-pence tax broke up the British Empire. An adamant stand in England on taxation and an equally determined and obstinate resistance in America culminated after 12 years in the boarding of an English ship, the *Dartmoor*, in the Boston Harbor and the jettisoning of its cargo into the Atlantic, probably the mildest beginning of any revolution in all history.

The revolutionary spirit infused our fathers and they stood on the inexorable principle of the unity and soleness of taxation and representation. Seventeenth-century colonial charters nurtured that spirit. A Connecticut preacher in 1638 said, "The choice of public magistrates belongs unto the people by God's own allowance. They who have the power to appoint officers and magistrates it is their power also to set the bounds and limitations of the power and the place unto which they call them." As a matter of fact, Connecticut possessed so finished a system of self-government in the eyes of one British authority that "it served as a model for the Federal Constitution."

The right of taxation and its indissoluble bond with that of representation is thus enshrined in the historical background of American liberty. It is the birthright of our people yet its neglect has been one of the outstanding disgraces of our body politic. A Turgot in France and a Gladstone in England succeeded in interesting the electorate of their respective countries in immortal studies and speeches. They vivified the drab subject in a way that made its intricacies common knowledge. It is to be hoped that there will emerge from the present session and its doings a realization by the American people of this proud privilege and responsibility.

Briefly this unfolds the simple story of taxation with its break-down into various types of schedules, the relative popular plans in England and our own country and the inapplicability of some of the criticism that is heaped upon our Americans who do not know the philosophy of the British balanced budget. The priceless heritage of American colonial history and the interwoven nature of taxation and representation in our conflict with the mother country all gives us the basis for asserting and hoping that this priceless heritage will become the subject of study by every American.

Is it too much to hope that the usually dry subject of taxation may prove to be the accepted understood hope of American long-range visions. It is notorious that the spenders are better organized than the savers. That is why it is easy to obtain appropriations but almost impossible to get men to agree upon or to accept a taxing schedule. Intimate knowledge of this vast subject underlying the very substructure of government must be in every man's knowledge if we are to advance.

England has mastered this intricate problem so that Englishmen everywhere accept the onerous tax burden, because it is for England, and English Government connotes a readiness to treat each problem with promptness and all-pervading watchfulness. This accounts for the advance of the British Isle in social legislation and for the ready cheerfulness with which each Briton accepts these heavy income charges.

We have traced the merits of our problem of taxation. Let us therefore look at the constitutional sides of our problems.

It must be remembered that until the Federal Income Tax Act of 1894 was declared unconstitutional an income tax was assumed to be legal and was actually levied and collected during the Civil War. In the memorable 5-to-4 decision, however, the Supreme Court declared that act void.

The decision was extremely unpopular, and an amendment to the Constitution was added after adoption in 1913. This corrects the defect of the 1894 act by permitting the levying of a Federal income tax without its being apportioned among the States.

What is our constitutional side of taxation?

Two clauses of section 8, article I, become most important, and we have appended them here for study and reference:

1. The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

It is to be noted that Congress has the power to levy all types of taxes. The word "taxes", however, seems to refer to direct impositions, such as property, capitation, and income taxes, while the words "duties", "imposts", and "excises" blanket all indirect levies, such as excise, duties upon manufacturers, sales, business transactions, consumption, occupation, and privileges, as well as customs duties on exports. Though there is a direct injunction against export taxes by the Federal Government under section 9, it is significant that indirect taxes must be uniform throughout the United States, which means that the subject indirect taxes must be levied under the same classification and at the same rates of assessment throughout the country.

It is to be noted that in the restrictive clause, beginning "duties, imposts, and excises shall be uniform throughout the United States", that the word "taxes" is left out.

The Supreme Court has said that uniformity is used in a geographical and not in a sense of equality (*Knowlton* v. *Moore*, 178 U. S. 41). Congress may tax one class of property and not another. It may distinguish between tickets to the theater and tickets to baseball games. Tickets for a certain amount may be included and exemptions for tickets for other amounts authorized.

The mandate that "direct taxes must be imposed against the States on the basis of population" obviously prevented Federal property taxes and capitation taxes, but since the sixteenth amendment income taxes have been levied without apportionment against the States.

The clause "to lay taxes for general welfare" is to be construed to restrict the expenditure of money raised by taxes for purposes that will promote general welfare.

It is significant that President Andrew Jackson vetoed a bill appropriating money for the national highway because it would not serve all States of the country and therefore would not be for the general welfare.

After the famous *McCullough* v. *Maryland* decision (4 Wheat. 316) the principle that the Federal Government can tax States, their instrumentalities, governmental subdivisions of States or their instrumentalities excepting for nongovernmental functions was enunciated by Chief Justice Marshall.

The Federal Government cannot tax State real property or State bonds or income, nor can it tax State employees engaged in governmental functions or the income of Federal judges.

The history of taxation in the matter of using its funds for the purpose of regulation has been most instructive. From the decisions Congress has gone far beyond the purpose of raising revenue, and we have such examples as the tariff for protection; the prohibitive 10-percent tax on State bank notes in 1866; the 10 cents a pound on oleomargarine in 1902; the famous tax on matches in 1912. On the other hand, at a latter date, the equally famous 10-percent tax on child labor has been held unconstitutional as the intent and motive of the act was so obvious that it could not be construed as anything but a regulatory measure.

The study of this phase of constitutional law can only show that the Supreme Court has changed its idea from the original decisions. Here the fear of encroaching on State rights has deterred Congress laterally in giving its approval to this type of legislation. Obviously there is a marked line between taxation for revenue only and taxation for regulatory purposes.

The sixteenth amendment—"the Congress shall have power to lay and collect taxes on income from whatever source derived, without regard to any census or enumeration"—has as its intent the relief of all income taxes from apportionment against the States and from a consideration of the source from which the income is derived. It is not an extension of the power to tax but the removal of a restriction.

Obviously the word "income" is a key word, and the definition of the Supreme Court in *Taft* v. *Bower* (271 U. S. 470) is helpful as a concrete example. If John Doe owns a house which was valued in 1932 at $50,000, and the house is now worth $80,000, the difference between these is not income so long as the house is not sold. Should John Doe receive a rental from the property, that is income within the meaning of the term and the definition of the Supreme Court.

On the other hand, the English law is different. If John Doe was a recipient of dividends from a corporation, that is income and taxable; but if the corporation issues "a stock dividend", this is not income but capital, unless it is sold.

The tax applies also to ordinary net earned and earned income, and on this subject there is a base field of litigation too intricate for explanation here.

Aliens in this country are forced to pay income taxes as well as nonresidents conducting business in the United States, and our citizens abroad are taxed, as well as National and State banks. In the case of the latter a bank incorporated by the State is not a State instrumentality.

We have already seen that under the Marshall decision in Marberry against Madison, employees in the State and its subdivisions are exempt, including State, county, and city employees, school teachers, and even employees of municipally owned public utilities. Congress has, however, made additional exemptions in cases of certain institutions, like churches, Red Crosses, schools, and scientific organizations.

CONCLUSION

Churchill once said:

> No statesman e'er will find it worth his pains
> To tax our labors and excise our brains.

Now Britain always balances her budget, but it is done only by the heaviest of taxation schedules, as we have said. It hits vast numbers untouched by our American plan, and the English people affected are those who have not one-half our comforts or conveniences. Wide differences in habits, customs, and outlook make one possible where another would result in chaos. The average Englishman is content with a condition of life that would be intolerable to most Americans. There are no extremities there, so that often the most threatening of labor or economic troubles fade into solution without conflict. Englishmen preferred to be taxed most heavily in this generation for the expenditures that were a result of this generation's set-backs.

Right here it must be admitted that the British had 30 years of social security before we even touched it, and this country only embarked upon the program as a result of the most threatening civil cataclysm in all history. England had her slum clearance, her coal reorganization, and her control schemes in industry and other features that approximate our New Deal legislation long before we did.

In the Midland Bank Review, that every Congressman receives, we find a very pertinent statement: "The Government has accepted a large measure of direct responsibility for the trend of business", a pronouncement that must make us wonder here. Its * * * of the British method of advancing along fronts where we would expect stagnant stand-pattism.

It can be seen from our study of English taxation that the English people understand their taxing problems. This, too, is all the more certain because their system is a decentralized one with some 753 districts throughout the country. We will not extend this to show how closely personal and cooperative the entire British scheme finds their method of procedure and how warmly understood this system of personal help and understanding finds a responsive echo in the individual citizen of the British lion. Briefly their plan is so fundamentally aimed to assist the citizen in making out and taking advantage of every possible item of exemption that it works with greased and loyal wheels.

Our tax economists are highly in favor of many of the features of this admirable British plan, because it tends to make each English citizen feel that he is getting a sympathetic hearing all along the line. He feels that he is part of the system itself and finds a pride in entering into the spirit of teamwork. Now, they have not reached the millennium where every man inwardly exults because he pays taxes and because he secretly feels that other citizens less fortunate point him out as a man whose industry and thrift is such that he can pay a high income tax to his government. We may hide a smile at such a tax utopia, but such a future, wherein men are esteemed because of their tax payments, much as we in America respect those who turn their philanthropy into buildings, endowments, and so forth, but that time would be near if we had a realizing sense of the importance of expenditures in this country and strong emphatic interest localized in spending programs. Both would work to the advantage of all and would serve as a counteractive to both injudicious spending and equally vicious taxation.

NEGLECTED SPRINGFIELD

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio address made by the gentleman from Massachusetts [Mr. GRANFIELD].

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a speech delivered by my colleague Hon. WILLIAM J. GRANFIELD, of Massachusetts, over WMAS broadcasting station in Springfield, Mass., on April 11, 1936, on Neglected Springfield, as follows:

Much has been said recently of a controversial character, through the newspapers and other agencies, with reference to the activities of the W. P. A. in this district. Realizing that most of the information given through these agencies has been incorrect and unreliable, I recognized the absolute need on my part, as your Member of the Congress, to present the National Government's version of this issue. I am not here to defend the national administration or its agent, the local W. P. A.; neither needs any defense by me.

Before going into my subject, permit me to say that the W. P. A. was created by the Federal Government for the purpose of relieving distress and unemployment in our communities, and, incidentally, it must follow that the welfare costs of the cities and towns, and the tax burdens resulting from heavy welfare costs, are also reduced. You can well understand that when the welfare costs in our cities and towns are reduced there is a consequential reduction in taxes.

The accomplishments of the Federal relief program in this district, by contrast, can be best described by taking the city of Springfield as an example. In the last 2½ years the national administration has poured into this city, under the C. W. A., the E. R. A., and the W. P. A., funds in excess of $4,000,000. These funds were made up as follows: For the operation of the C. W. A. and the E. R. A. a sum of $3,050,901.84; the W. P. A., which began on November 15, 1935, the sum of $426,702. This, my friends, does not include the tremendous sum of money spent by the P. W. A.

While these funds poured into the city of Springfield by the Federal Government may loom large, they are only a portion of what the city of Springfield and its unemployed could have received had its city government exercised that authority which was conferred upon it and which was its responsibility. At least another million dollars of Federal funds would have found their way into the hands of our citizens and the unemployed.

How are these funds allotted by the Federal Government? They are allotted proportionately, with the cities bearing the smaller proportion, to pay for projects which must be initiated by the city government. If the city government fails in its responsibility to its citizens in the initiation of sufficient projects to take up the slack in its unemployed, who would ordinarily be paid by these Federal funds, the result is that the city and its unemployed do not receive these Federal funds and the city remains under its allotted quota.

District no. 6, of which Springfield is a part, has a quota of 15,000. This quota was broken down for the cities and towns so

that Springfield's quota was 4,760. There have been certified for W. P. A. employment 8,360, but the quota allotted to Springfield is 4,760. Bear in mind, however, that during the flood emergency this quota limitation had been removed, so that a greater number of the 8,360 could have been employed.

During the operation of the W. P. A. the city of Springfield has failed woefully in meeting its obligation to its unemployed. At no time was it able to meet its full quota of 4,760; in fact, the city of Springfield has averaged approximately 2,000 under its quota throughout the operation of the W. P. A. Just think of that, ladies and gentlemen—2,000 of our citizens were, and are, without employment by reason of the failure of the city government to set into motion municipal W. P. A. activities to put them to work. Translated into a money loss to the city of Springfield, since November 15, 1935, to March 15, 1936, a period of 4 months, it is the staggering sum of $446,000 and the loss of employment to approximately 2,000 families (for under the W. P. A. regulations only one in each family may be employed). The loss of these jobs by our citizens, many of whom are provided for by the welfare department of the city of Springfield, has a decided effect upon your tax rate, and had they been employed, the welfare cost to our city would have been materially reduced. The employment of these 2,000 persons would have meant much to our merchants; their employment would have created a purchasing power of hundreds of thousands of dollars.

This is no idle charge. Let me make a comparison with the other cities and towns in this district. As an example, let us select Holyoke, or Northampton, or West Springfield, or Chicopee. For the moment let us take our neighbor—Holyoke. Holyoke's quota is 1,800. It has maintained its quota throughout the existence of the W. P. A. and recently, in consequence of the flood, it has gone far beyond its quota.

The town of West Springfield has a quota of 407. It has maintained its quota throughout the operation of the W. P. A., and for the past several weeks it has been from 150 to 250 in excess of its quota. Only the other day citizens of the city of Springfield, in order to carry out the projects that had been approved by the Federal Government for the town of West Springfield, were sent over there to do work in that town when they should have been employed on projects right here in Springfield, if the city government had done its duty to the citizens of this city. Springfield is the only community in our immediate vicinity that has not exceeded its quota. Agawam is 62 over its quota; East Longmeadow, 32; Longmeadow, 17; Ludlow, 35; Amherst, 24; Easthampton, 109; Hadley, 23; Northampton, 54; South Hadley, 42; Chicopee, 250. Is it not singular that Springfield is not included in this list?

It is of interest for you to know that when the city of Springfield fails to use the allotment of Federal funds allocated to it, these funds are distributed among the other cities and towns in the district, and the taxpayers of the city of Springfield are forced to pay taxes to the Federal Government for the funds that have been assigned to the city of Springfield, and distributed elsewhere.

Why have the officials of the city of Springfield failed in their obligation to our citizens? What excuse do they offer for their failure to provide employment for our people? Last night, over this station, one of the members of the city council stated: "We can no longer wait for the red tape of Federal projects to be unsnarled, while our needy citizens walk the streets seeking employment. We can no longer sit idly by and hope for the necessary changes in the Federal set-ups so that work can be more easily provided." I must repeat the last sentence of his quotation—"We can no longer sit idly by and hope for the necessary changes in the Federal set-ups so that work can be more easily provided." Yes; that is a very frank confession. The members of the city government have been sitting idly by and waiting, and in consequence of their inaction our needy citizens have been walking the streets seeking employment. Ladies and gentlemen, does not that member of the city council know that at the present moment there are pending 20 unfinished W. P. A. projects and 23 approved W. P. A. projects, making a total of 43 W. P. A. projects, none of which have been set into motion by the city of Springfield? He speaks of red tape. These 43 projects are ready for action and they would give employment to approximately 1,700 unemployed citizens. Nothing needs to be done so far as the Federal Government is concerned and all that the city government needs to do is to put them into motion. The excuse is offered that the unfinished projects have been delayed because the weather is unseasonable. Yet, in the face of all this, a great many projects similar in character in other cities and towns in this district have been under way for weeks.

Criticisms of this character made by certain officials and a certain morning newspaper published in Springfield are unjust and unfair. I wish to repeat again, the Federal Government and its authorized representatives allocated to the city of Springfield the sum of $625,000 for flood relief and reconstruction. This was not the limit to which the Federal Government was willing to go in this emergency. Some persons feel that the $625,000 should have been presented to them to use as they saw fit, to carry out their pet projects and their petty ideas. Any child knows when a request is made, even for a small sum, from its parents the first question asked by the parent is, "What are you going to use the money for?" The Federal Government is no different. It is acting today as a parent to this community, and all other communities that are in distress. The $625,000 is available just as soon as the city of Springfield presents its projects for approval, and I must say in this respect that had the city of Springfield followed the example of the city of Hartford, flood rehabilitation and reconstruction would be well under way at the present time. I talked with his honor the mayor of Hartford, Thomas Spellacy, today.

Contrary to local newspaper reports, he informed me that he received no direct grant and no blank check from the Federal Government. He did, however, with the assistance of his city government, when the flood was at its height, anticipate projects which were essential and necessary. These projects have been approved and the money is being used by the officials in Hartford and flood rehabilitation in that city is well under way to the satisfaction of its citizens. There was no red tape in Hartford; there was no red tape in West Springfield, or Chicopee, or Northampton, or Holyoke, or any of the other communities in this district, but Springfield's failure is alleged to be due to red tape. Had the city of Springfield and those in charge of our affairs followed a course similar to the one followed in Hartford, there would be very little reason for complaint or criticism on the part of anyone. Our city government failed absolutely to anticipate the flood emergency, and 7 days ago filed projects in form acceptable to the W. P. A. Administrator. These projects were approved yesterday and amounted to $126,000.

During the flood emergency, and while the waters were receding, $15,000 was immediately available for truck hire in the city of Springfield. This sum was a drawing account furnished in its entirety by the Federal Government and at the disposal of the city of Springfield.

There was no red tape attached to this fund. It was here in the city and for the use of the city, and is now being expended by the local director, without the approval of anyone. In addition to this provision, which was made for truck hire, 600 men were put to work immediately and the expense was borne in its entirety by the Federal Government. Yet considering all of this, a morning newspaper in the city of Springfield during the past few days made every effort possible to misinform our people. Under date of Wednesday, April 8, a picture of an excavation on Rowland Avenue was carried on its second page captioned "W. P. A. money awaited to repair damage." Underneath the picture it read, "Rowland Avenue can be filled and the street restored to safety for motorists when and if W. P. A. flood reconstruction funds are released for use in Springfield." Why, ladies and gentlemen, at that moment there were 1,000 W. P. A. workers assigned for this type of work, and 43 trucks were provided by the local district director, Harry M. Ehrlich. Apparently there was not sufficient ingenuity in the entire city government, nor the newspaper, to suggest to those in authority that someone take one of the available trucks and go to a gravel pit and make that excavation safe for motorists, every cent of which would have been paid by the W. P. A. from a fund already in the possession of the district director.

Another example of the character of leadership that the citizens of Springfield are subjected to at the hands of its city government was clearly demonstrated on Monday night at the meeting of the city council, when the council refused to approve an order for $300 for the rental of a suitable place to store 47 carloads of food consigned to this district, without cost to our taxpayers, by the Federal Government. This food was valued in excess of several thousand dollars. To the credit of his honor the mayor, the necessary rental space was obtained the following day, and this enormous amount of food saved to the needy of our city.

Ladies and gentlemen, may I direct your attention to a very important matter. From the inception of the Federal relief program the city of Springfield has submitted 171 projects for approval to the national administration. Of this number, 160 projects have been approved, and 43 are pending at the present moment without action, while 2,000 of our citizens walk the streets unemployed. The 11 projects that were disallowed by the Federal Government involved the employment of only 261 persons and were disapproved with justification.

Officials of the city government should stop penalizing the unemployed of our city. They have been long suffering. Stop penalizing the city and Federal taxpayers. They have been heavily burdened. Accept your responsibility and bestir yourselves into action so that your city and my city may receive those benefits to which it is entitled.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Massachusetts [Mr. GIFFORD] may address the House tomorrow for 20 minutes after the reading of the Journal, the disposition of business on the Speaker's table, and the special order heretofore entered for the gentleman from Oklahoma [Mr. MASSINGALE].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GREEN. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal, the disposition of business on the Speaker's table, and the special orders heretofore entered, I may be permitted to address the House for 15 minutes.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, I think we have heard enough about the Florida

canal; and if this is only for home consumption, why cannot the gentleman take 5 minutes and extend his remarks in the RECORD?

Mr. GREEN. It is not only for home consumption.

Mr. ZIONCHECK. It is going to be something about the Mediterranean fruit fly, then.

Mr. GREEN. Mr. Speaker, I modify my request and ask to be permitted to address the House for 10 minutes.

The SPEAKER. The gentleman from Florida [Mr. GREEN] asks unanimous consent that on tomorrow after the reading of the Journal, the disposition of business on the Speaker's table, and the special orders heretofore entered he may address the House for 10 minutes.

Is there objection?

There was no objection.

AMENDMENT OF WAR MINERALS RELIEF STATUTES

Mr. COX, from the Committee on Rules, reported the following resolution (Rept. No. 2406), which was referred to the House Calendar and ordered to be printed:

House Resolution 487

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1432, an act "To amend section 5 of the act of March 2, 1919, generally known as the War Minerals Relief Statutes." That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Mines and Mining, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER. Under the special order, the Chair recognizes the gentleman from Texas [Mr. MAVERICK] for 20 minutes.

AMERICAN PEOPLE MUST HAVE WORK; KNOWLEDGE AND ART ARE NOT SINS

ICKES AND HOPKINS, P. W. A. AND W. P. A., ARE ALL RIGHT

Mr. MAVERICK. Mr. Speaker, since I have come to Congress I have heard a great deal of loose talk about the outstanding problem of today—unemployment. I have heard bitter and unthinking cricitism of the administration's effort to give useful work to those who, through no fault of their own, can find none and need it. I have heard Harry Hopkins and Harold Ickes beaten over the head until they must be bloody with the hard knocks of their noisy critics. So today I am going to talk about Harry Hopkins and Harold Ickes, the W. P. A. and P. W. A., and the Department of the Interior.

Mr. Speaker, we can pick up the newspapers at any time of the day or any day in the year and read criticisms of what the administration is doing, but we can never read any constructive criticism by the critics. I said we can take any day. Let us take the Washington Post of today's date. We see these headlines:

New Deal enemies denounce Roosevelt proposals for idle.

Then the subhead reads:

Hoover offers program to put capital to work as alternate.

In other words, it is the same old idea, and it is a conflict of economic theories which we must face. Mr. Hoover and the Republican Party believe we should take the money of the Government and subsidize capital only; they believe that the Government should give the money to big business instead of to the working people. This is what the newspaper states. Then it proceeds to show that the only idea is to give it to big business.

In another article in the same paper they showed it was unconstitutional to do anything for the working people of the United States, saying, in effect, that what Mr. Roosevelt sought to do for the people was "unconstitutional." In other words, the attitude of the enemies of the administration is that what we are trying to do is unconstitutional; therefore, do not do anything for the people of the United States.

MR. FLETCHER BUNGLES AGAIN

Again, in the same paper appears the statement:

Mr. Fletcher agreed that everyone would like to see shorter hours and higher wages, but pointed out that the President did not explain how they could be brought about "unless through an autocratic government to be installed if he should be re-elected."

The attitude is that if we do anything for the welfare of the American people it is autocratic and, therefore, it should not be done.

Using the word "autocratic" does not fill any stomachs nor put any people to work. Personally, I believe that government is supposed to be for the people, and where the autocracy comes in I cannot understand. We can be sure, however, that Mr. Fletcher has correctly stated the Republican case—criticize and do nothing.

Mr. Speaker, I am not confining my remarks to Republicans; many Democrats have the same attitude. Ex-Senator Reed, of Missouri, said that the Democratic administration was a Fascist administration and a communistic administration. Now, one cannot be a Fascist and a Communist at the same time, but he accuses the Democratic administration of being both; and he ends by saying in reference to certain work being done by the Democratic administration that nothing done by Stalin, by Mussolini, by Hitler—thus mixing them all up—was more drastic, more brutal, and more destructive of liberty than what is being done by the Democrats.

He takes the attitude that what we have done in providing for the American people is destructive of liberty. Then we go to the headlines and we see something stated about the opposition to the Government today. It is stated:

Anti-New Dealers Backed Farm Group. The Industrialists of Liberty League Helped Finance Independent Council.

What is this racket? The Liberty League goes out and gets a large amount of money together, mostly donated by the Du Ponts, and then they have a group which call themselves the "Farmers' Independence Council." Then this "farm organization" gives out propaganda to the American people.

There are many others. Take, for instance, the Southern Committee to Uphold the Constitution created down in Texas by "leading" Democrats. It is just another false-front organization financed by Liberty Leaguers and the munitions interests, Raskob, and that crowd. The Southern Committee to Uphold the Constitution was created altogether by old John Henry Kirby, who has no influence whatever in the South, and one or two minor racketeers in that part of the country. There are numerous of these false-front organizations. The idea is that some organizer who has been faking the American people for years adopts some sort of name indicative of virtue, patriotism, or friendship to the worker, the farmer, or the veteran; then he goes up and secretly gets money from the Du Ponts and munitions interests and others; then he operates as though his organization were bona fide. I have looked through dozens of organizations operating in Washington who claim thousands and even millions in membership, and many of them have absolutely no membership at all—their only membership is some cheap, vulgar fellow who gets good pay for misleading the people through money that he gets through either the Liberty League or a selfish interest similar to that. (See V, False-front and racket organizations.)

And all this racketeering information goes out to the American people through the press. The American people can see through this thing, I am certain.

Mr. Speaker, we have heard a lot of aimless talk about boondoggling, about communism, about "brain trusts", and all of that; but I notice that the Republicans, after criticizing our "brain trust" for all this time, have gone out and hired a "brain trust" of their own.

REPUBLICANS GET A "BRAIN TRUST"—SECOND RATE

They hired a lot of college professors; and, although I do not want to slander them just because they are a part of the Republican "brain trust", I think they are a second-rate "brain trust." Now, this second-hand "brain trust" is going

to get together and get its research in shape in order to plead the erroneous ideas of our friends over on the right. [Mr. MAVERICK indicated the Republican side.] I understand that three of these Republican "brain trusters" tried to get jobs with the administration, but that on account of their deficiencies none got jobs. So Mr. Fletcher hired them.

There has been a great deal of criticism of knowledge. It seems to be a sin to have knowledge, to know something, to have brains, to have been to college, or to have been a professor at one time; so the form of criticism which it takes is to make the same sort of banal, silly, and idiotic statements which we have heard. If you get three alphabetical letters together, it seems to be some sort of a sin or some sort of a reprehensible act. It is no more sinful for an agency of the Government to be designated by letters of the alphabet than it is to say "R. R." when you talk about a railroad. Now, Mr. Speaker, I am going to say a few words about Mr. Hopkins and Mr. Ickes.

BOTH W. P. A. AND P. W. A. SHOULD BE CONTINUED

My idea is that the work of Harry Hopkins must be continued and the work of Mr. Ickes ought to be continued, and irrespective of personalities, whether we like them or not and whether the Republicans have control of the Government or not, this work has to go on. It does not make any difference whether we like these men or not. I happen to like them. I think they are good men. But it does not make any difference about personalities. Relief in this country has probably been more inadequate than it has been adequate, and there probably has not been enough in the way of public works.

HOPKINS HAS DONE GOOD JOB

Mr. Hopkins has been spoken of as an overbearing, arrogant sort of fellow, but I want to say that the character of work he has had to do has required more or less strength of character in his actions. Personally, I think he has done as good a job as could have been done under the circumstances. No other man in the United States, in my opinion, could have done it as well as Harry Hopkins. I think he is a very able man and he has done an exceptionally good job.

ICKES BELIEVES GOVERNMENT SHOULD USE BRAINS

Mr. Ickes is Secretary of the Interior and has a vast job to perform. They say that he has a forthright manner, and I think he has. He has been accused of being a reformer, and I think that he admits it. Mr. Ickes believes there should be brains in the Government of the United States and so do I. I think this continuous criticism of men in Government because they have brains is probably because the opposition does not want men with brains in the Government service. They want all the men with brains in big business and all the brainless, spineless people in the United States Government, so that big business may run the Government as it did up until March 1933 except for a few brief intervals.

As for Mr. Ickes, I know of no Cabinet officer in recent times who has performed his public duties with more ability, forthright honesty, and distinction. When his work as organizer and public official is known to the country he will take a place with the big men in the history of the United States.

THE RECORD OF W. P. A.

Let us review some of the things concerning Harry Hopkins and some of the things concerning relief. In 1932 there were millions of destitute, suffering people in the United States of America. What was the policy at that time? The policy was to lend $90,000,000 to Mr. Dawes or $10,000,000 to a big bank. When the Democratic Party came into power that policy was changed. We continued to lend to these large financial groups, but at the same time we gave consideration to the people of the United States.

Today there are something like 70,000 projects going on under the Works Progress Administration.

There are something like 3,500,000 people doing useful, self-respecting work. We have found it is necessary to fit the work to the things which distressed people in each community can do in order to get them off relief. One community might want to build a high school more than a park, but if it happened to have few skilled workers and many unskilled workers on relief, it might, in the case of W. P. A., get the park. For the people must come first with W. P. A., and the projects must fit what those particular distressed people can do.

One of the greatest dangers in America today is due to the threatened loss of human skill. I know myself of hundreds of skilled workingmen who have been forced into idleness and the result is that they are losing their skill. Moreover, young men of America who are coming along are not getting a chance to acquire skill. Therefore we are getting to a situation where we have less skill in this country as time goes on. W. P. A. is saving the skill of literally millions of our people, and I say that is of tremendous value to this country.

Occasionally we have a few good words said about us, and I want to read what the Magazine of Wall Street said about this proposition, because even a magazine of Wall Street occasionally is forced to say something friendly and truthful about the Government, and here is what they say:

Perhaps the most inspiring achievement of the Roosevelt administration is its widespread reconstruction of the physical surface of America. * * *

There has been nothing like this present wholesale improvement and subjection of nature within a brief time since the world began.

This refers to the work of the Department of the Interior, the W. P. A., and the P. W. A. (See IV, Department of the Interior, for further facts on operations of Interior Department.)

DITCH DIGGING IS O. K., BUT WHY SHOULD EVERYBODY DO IT?

Now, I am going to refer somewhat to the matter of manual labor. I do not think that manual labor is a bad thing. I believe that men should work with their hands, but there seems to be the impression in the country today that if a man loses his job he ought to go out and dig a ditch. I think that most of these people are willing to work, and most of these people are willing to dig ditches if they can, but some of them cannot do it.

There are millions of people in this country who were bond salesmen, who were selling these worthless bonds of their various organizations, and these men were capable men, but lost their jobs not on their own account.

There are professional men, some doctors, and some of them lawyers, and now all of these people are slurringly referred to as "white collar" workers. It seems to be wrong to have a white collar. If you lose your job you are supposed to lose your self-respect and get yourself a dirty collar and go out and work in a sewer. This seems to be the attitude of the enemies of relief toward the unemployed. (See II, More about white-collar workers.)

Many fine people are engaged in this W. P. A. work. We have women who, in better times, nursed our children and nursed us when we were sick. We have actors, and we have comedians, and we have newspapermen. We have in the W. P. A. white-collar group alone over a quarter of a million men and women who are doing self-respecting, intelligent work. We have teachers who are doing this kind of work. Should these people be allowed to starve or should they be made to dig ditches because of political venom? We have, for instance, 50,000 school teachers, men and women, teaching both children and adults in this country. They have taught half a million adults to read and write, for one thing. They are bringing about a great revival of interest in education.

We also have, for instance, musicians. We have men who never did anything but work as musicians, and they are playing music on W. P. A. music projects, for the pleasure and instruction of the public. I say that is right. (See III, More about music.)

MELLON AND "FOREIGN MASTERS"; W. P. A. AND AMERICAN ARTISTS

Then, for example, we may take art. Art is looked down upon by some American people, and therefore I want to say something about art. I have just got a few pictures of the W. P. A. and put them out here in the lobby.

At one time this country spent $100,000,000 in buying so-called foreign masterpieces. Mr. Mellon goes over to Europe and spends $1,000,000 on one picture. He goes over

there and buys a picture painted 400 years ago, and he brings that back to this country and shows this $1,000,000 picture for the edification of the people of the United States. My only comment on that is that I have no objection to foreign masters; they are all right. But, on the other hand, W. P. A. spends something like $1,500,000 to $2,000,000 to put several thousand living native artists to work and save them from starvation. It puts their product in the high schools and colleges and various places all over the country for the edification of the American people, and a great howl goes up.

Mr. Mellon spends $1,000,000 for one picture 400 years old by a man who is dead and does not get any benefit from it. The Government spends $2,000,000, and we are told that we are a bunch of boondogglers. Well, I am for boondoggling, and I hope they will do the same thing again, and I want you to walk out here in the lobby and see some of the boondoggling pictures which I have had hung there. (See I, More about boondoggling.)

P. W. A. IS O. K.; SO IS SECRETARY ICKES

I now want to mention the fact that the P. W. A. has done a good piece of work. This work has been done under Secretary Harold L. Ickes. I think he is one of the ablest men in the United States Government. The only thing I know against Mr. Ickes is that he was once a Republican, but he is doing the best he can to live that down. [Laughter.]

The work of Mr. Ickes has been soundly financed. He has been criticized for being careful and for taking too much time, but he has seen to it that this work has been carefully done, and I now want to read you some of the details that must be carried out in reference to P. W. A. work.

I want to bring out to you how these projects are carried on and how they are selected.

COMMUNITIES AND P. W. A.; LOANS PAID BACK AT 4 PERCENT

First. P. W. A. projects are selected by the local communities themselves. No attempt is made to "sell" the community a project. The State, county, municipality, or other local subdivision must make a formal application.

Second. P. W. A. projects are approved only after rigid examination into their need, usefuless, social desirability, legality, engineering feasibility, and financial soundness.

Third. The cost to the Federal Government is the amount of the grant only. The major part of the cost of every P. W. A. project is paid by the local community. P. W. A. loans are being repaid to the Federal Government with interest at 4 percent. Municipal bonds taken by P. W. A. as security for Government loans are being resold at a profit to the Government.

Fourth. The construction of P. W. A. projects provides needed employment for skilled and unskilled workers at prevailing wages. Because of the types of construction a vast amount of indirect employment also is created in manufacturing plants, steel mills, machine shops, and so forth, in the fabrication and transportation of materials and supplies.

Now, I have tried to present some of the things of the P. W. A., and there is other work in the Department of the Interior, which includes various activities. (For more information on Interior, see IV, Department of the Interior.)

As I said in the beginning, the work of Harry Hopkins has got to be continued whether we want to do it or not. We cannot let starving people die. I do not know how much money ought to be allowed him, but many think it ought to be a billion and a half.

Now, as to Secretary Ickes, I believe that his good work for the Government should be continued. As to the amount he should have, I do not know whether it should be a hundred million or a billion. The experts on the Appropriations Committee can probably tell us that.

Here is the situation in which we find ourselves. We find ourselves under a barrage of criticism as to everything we do. We know that this work has got to be done whether we like it or not. We find that Mr. Ickes' work is sound, and the loans made come back at a certain rate of interest.

So I say this much: Let us keep going the good work of Harry Hopkins, and also the work of Mr. Ickes. [Applause.]

I

MORE ABOUT BOONDOGGLING

In early America the word was "toggle", and it meant a useful gadget which a pioneer could make with his hands out of whatever materials he had where he happened to be. Daniel Boone made a "toggle" out of thongs—a device to tie his rifle on his head when he wanted to swim a stream, so his powder would stay dry. It was a mighty useful gadget, and became widely known as the "Boone-toggle." Boy Scouts have used "boondoggle", a corruption of the old term, to mean handicrafts, and a handicrafts teacher was the innocent author of the current political use of the word.

II

MORE ABOUT WHITE-COLLAR WORKERS

Some 43,000 professional and technical workers are engaged in health research, assistance in hospitals, library work, nursing, scientific research, and other technical effort. Nearly 32,000 more are working on special fact-finding studies for local governments, natural-resource surveys, and kindred activity.

Some 26,000 recreational workers are directing athletics, playground activities, game rooms, camps, and recreation programs for the underprivileged.

Ten thousand clerks in W. P. A., and 22,000 more in other governmental units, are modernizing old public record systems, restoring valuable archives, and repairing books.

III

MORE ABOUT MUSIC

If you want to measure the magnitude of this program, consider that 163 symphony and concert orchestras, 51 bands, 15 chamber music ensembles, 69 dance orchestras, 22 choruses, and 6 opera or operetta units are training or performing in various sections of the country.

Here is an example of the sort of human experience that keeps cropping out. A high W. P. A. official, who is a music lover, heard the symphony orchestra in Portland, Oreg., play an impressive number. He never had heard the selection before, and asked the director what it was.

"It is an original work by a member of the orchestra," the director replied. "We found him digging a ditch."

(NOTE.—Would you want to let that musician continue in his own work, for which he is fitted, pleasing also the people, or kick him back into a ditch?)

IV

DEPARTMENT OF THE INTERIOR

1. Department of Conservation and Public Works

Virtually all of the diverse activities of the Department of the Interior are touched with a conservation interest. Because of this and because the Department is charged with the administration of a vast part of the public domain it would seem to me to be most fitting to change the name from Interior Department to the Department of Conservation. The name proposed is more expressive and descriptive of the functions of the Department. It also has been suggested that the Public Works Administration be transferred to this Department, which then would become the Department of Conservation and Public Works. A bill to authorize this change is now pending in Congress. Secretary Ickes has endorsed it.

There follows a brief résumé of what the various bureaus and divisions of the Interior Department are doing for the people of the United States:

2. Bureau of Reclamation

Permanent improvements of continuing benefit to each of the far western arid and semiarid States are the results of the Bureau of Reclamation construction program.

A glance at the achievements of the reclamation service will indicate the promise held by its new projects. With an expenditure of less than $250,000,000, four-fifths of which came from sale of public lands and royalties from oil and mineral leases on public lands in these Western States, and one-fifth of which came from repayment by water users of money once spent to build Federal irrigation projects, the Bureau of Reclamation had in 1935 created homes for

752,766 persons out of deserts and had added more than $1,000,000,000 to the taxable wealth of the Western States.

Boulder Dam was pushed to completion 2 years ahead of schedule by Secretary Ickes. This was made possible largely because a Public Works Administration allotment of $38,000,000 permitted engineers to push the job at full speed throughout the period when concrete was being placed and, incidentally, when employment was most needed. It is only to be regretted that the construction could not have been completed sooner by 1 year, because when the Colorado River went dry in 1934 the resultant drought in the Imperial Valley, which is entirely dependent upon the river, cost farmers $10,000,000. However, Boulder Dam prevented a flood and a drought in 1935 and is ready to perform the same services this year and forever more.

The manifold blessings Boulder Dam has brought to the Southwest will have their counterpart in the Northwest when Grand Coulee Dam is completed.

Literally scores of communities in what has been called the Great American Desert have been succored by the new work begun by the Bureau of Reclamation. The Utah projects, the Wyoming, Oregon, and New Mexico projects, those in Montana, Idaho, Arizona, Nevada, and California, the projects in Washington and Colorado, guarantee to future generations more secure lives through regulation of water supplies and conservation of the West's most important natural resource, its water. The intense drought of 1934 emphasized the value of reclamation by leaving the Federal irrigation projects as oases in the great dustpan. Counties and perhaps even States were saved from catastrophe that year by the balancing influence of stored water on their agriculture and their economy.

3. National Park Service

The National Park Service is charged with the administration of all Federal park areas. There are now 131 separate park units in the national park and monument system, with a total area of 24,160 square miles.

The National Park Service also is charged with the supervision and maintenance of most of the Federal buildings in Washington, the notable exceptions being the Capitol and related buildings, the Library of Congress, and the Supreme Court Building. It also supervises a few Federal buildings outside the District of Columbia.

In connection with the administration of emergency conservation work in the park areas, the Service also is charged with the supervision of emergency conservation work in State, county, and metropolitan parks.

The national park and monument areas are widely varied in size, geographical location, and type of exhibits. They include the most spectacular scenery the country has to offer, and also its most sacred historic shrines and prehistoric treasures. In the field of natural science these areas are supreme, furnishing unexcelled outdoor classrooms for the study of world building and biology. All parks and monuments are absolute wildlife sanctuaries.

The national parks and monuments have been made accessible to the public, but in the wilderness areas great care has been taken to preserve the primitive, and to keep the greater part of such regions untouched by roads and man-made developments other than simple trails. In the areas of tourist concentration, automobile camps have been provided by the Government, and the necessary hotel, lodge, and similar accommodations provided by private capital under Government supervision. Motor transportation is available and also stores carrying tourist supplies.

The National Park Service assists visitors to understand and enjoy the parks through its educational service, which includes the operation of museums and the furnishing of information services by employees trained in the natural sciences and in history. This naturalist and historian service includes conducted hikes and caravans to points of interest.

4. Office of Indian Affairs

When Secretary Ickes took office he became responsible for the problem of the Indians. For his Commissioner of Indian Affairs Mr. Ickes chose John Collier, long a fighter for Indian rights.

These two men came into office at the end of what has justly been called a "century of dishonor", during which, by Government action, the Indians had been despoiled of two-thirds of their lands and had seen their trust funds willfully dissipated.

The Indian death rate was more than twice the general death rate. Civil and constitutional rights were systematically denied to our oldest Americans. An autocratic bureaucracy governed their lives; their wealth continued to flow to whites; their range and farm lands were disappearing through erosion.

In 2½ years the new administration has revolutionized the Indians' situation.

Secretary Ickes went to the root of the Government's Indian policy by asking Congress to abolish the nefarious land-allotment system. He recommended legislation for the consolidation of Indian land holdings, for the restoration of tribal lands, and for the acquisition of lands for homeless Indians. All of these recommendations were enacted into law.

Equally fundamental was Secretary Ickes' proposal, which Congress adopted as the Indian Reorganization Act, granting to the Indians constitutional rights, and giving them means to shape their own destiny. Since the act's passage 176 distinct Indian tribes here adopted its terms.

When Secretary Ickes took office Indian native culture and religion were under official ban. For Indians there was no liberty of conscience. Savage espionage laws ruled Indian life. A clean sweep has been made of these tyrannical, un-American statutes and policies.

I have referred to the disastrous effects of soil wastage upon Indian lands. Effective erosion-control measures are being carried out on Indian lands, many of which are controlling areas in the watersheds of several of the great western rivers.

Under Secretary Ickes Indian education in boarding schools remote from the homes of the children has been supplanted by teaching in more than 100 day schools which have been established, where children are trained for practical living. In many of the schools the most liberal and productive educational work now going on in the United States can be observed. These schools are thronged by adults at night, as well as by children during the day.

I have sketched only a part of Secretary Ickes' achievement in the Indian field. I could refer in addition to the unification of the Federal Indian Service with the various services of the States; to the demonstration furnished through the Indian emergency conservation work and public works that Indians are willing, indeed, eager workers; to the work being done to salvage the Indian crafts; to the expanded health work. I could mention the pending general Indian-welfare bill for Oklahoma, passed by the Senate and now reported by the House Indian Committee, which has been pressed for enactment by Secretary Ickes during the last year.

The Indians' life-tide definitely has been turned at last; their future is assured.

5. Division of Grazing

The Division of Grazing of the Department of the Interior has supervision of the use of some 80,000,000 acres of the public domain for the grazing of livestock. Passage of the Taylor Act in June 1934 charged the Secretary of the Interior with the responsibility of regulating grazing to prevent further deterioration of the public lands, to effect improvements in the range, and, in general, to take steps looking toward the stabilization of the livestock industry.

An innovation in land legislation, the act is being administered along novel lines. The area within its jurisdiction, covering 10 Western States, has been divided into 34 districts. Each district elects an advisory board of stockmen who pass on applications for licenses or permits and make recommendations to the Secretary of the Interior on the administration of the law. Thus the users of the range are given a voice in its government.

At the present time stockmen are granted temporary licenses giving them the privilege of grazing their stock on the public range. Regulations require that the licensees have some so-called commensurate property of their own to supplement the use of the range, and this qualification

and prior rights to the use of the range are both considered in granting licenses. As soon as surveys, evaluating every acre of land in the vast domain, have been completed stockmen will be given long-term permits for use of the range.

There are more than 15,000 livestock men operating under the Taylor Act. The range is used as supplemental feeding for their 1,576,976 cattle, their 6,401,525 sheep, their 145,753 horses, their 172,481 goats, a total of 8,282,232 head of livestock.

An indication of the success of the Department's policy of self-government is found in the comparatively few number of applicants for licenses who have appealed from the findings of the advisory committees. In 16,000 applications considered, only 51 appealed to the Director of Grazing.

The C. C. C. camps have played an important part in the Division of Grazing program. Forty-five camps have been established on the range, and their enrollment put to work developing water resources, building cattle trails, constructing fences, destroying predatory animals and rodents, and eliminating poison weeds.

6. General Land Office

There are 197,261,754 acres of public lands, including the recently formed grazing districts in the United States proper, of which 54,000,000 acres still remain to be surveyed. These figures do not include lands in national parks, forests, Indian, and other reservations. This takes no account of the hundreds of millions of acres of public lands which, through the General Land Office, have already passed into the hands of private citizens under the homestead law.

The Department of the Interior itself had its inception in the surveying which began shortly after the Revolutionary War and continues to this day. A surveyor general started the work in 1796 which was put in the General Land Office in 1812. Congress authorized establishment of the Department of the Interior in 1849 and the General Land Office and other bureaus were placed in this Department.

The Commissioner of the General Land Office is charged with the survey, management, and disposition of public lands, and the adjudication of claims relating thereto, the granting of railroad and other rights-of-way, easements, the issuance of patents for lands, and with furnishing certified copies of land patents, and of records, plats, and papers on file in his office.

Uninspiring as the term General Land Office is, no bureau of the Government has meant more to the citizens of the United States or has made a larger payment in the coin of peace, contentment, and prosperity of thousands upon thousands of our people.

7. Geological Survey

The Geological Survey is concerned with the discovery, appraisal, and development of natural resources, including water power. Among its activities are the making of topographic and geological surveys, the gaging of streams, the classification of lands by field examination, the supervision of mineral leasing on public lands, and the investigation of mineral resources in Alaska. In bringing to light sources of vast mineral wealth so as to permit its development, the Survey has been of inestimable value to the people. Its work is scientific and practical, and the Survey's opinions are regarded as authoritative.

In his annual report the Director of the Geological Survey said there is an insistent Nation-wide demand for increased activity in topographic mapping because of the publicly recognized need for maps as bases for so many private and public activities. Urban and rural development, road locations, census and soil problems, crop-control problems, irrigation, park and forest administration—all need these maps acutely.

The mineral industry depends upon the scientifically sound and impartial reports of the Survey upon the active and potentially active mining districts of the Nation.

Effective cooperative relations have been maintained with a number of the States in geologic work, study of water supplies, and topographic mapping. Similar relations exist with the Petroleum Division of the Department of the Interior, the National Resources Committee, the Tennessee Valley Authority, the Office of Indian Affairs, the Bureau of Public Roads, and many others.

8. Bureau of Mines

The Bureau of Mines is the branch of the Federal Government charged with looking after the safety of the millions of workers in the extensive mineral industries, and with making investigations designed to increase efficiency in the mining, treatment, and utilization of the hundred or more of commercial minerals on which the very existence of the Nation depends.

The Bureau has trained nearly a million miners in first-aid and mine-rescue methods. It has conducted exhaustive studies in the use of explosives in mining, the use of safer types of electrical machinery, lamps, and other mining equipment, the hazard of gases and dusts encountered in mines, and many other mine safety problems. Largely as a result of these studies, the death rate in the coal mines has registered a steady decline, and the disastrous mine explosions that formerly shocked the Nation have come to be almost rarities.

As a result of the Bureau's technologic studies, enormous mineral wastes have been reduced, the costs of producing minerals have been lessened, and the percentage of mineral recovery from ores has been increased. The new knowledge obtained from the Bureau's studies has resulted in the recovery of millions of dollars' worth of metals which formerly were not recovered; many mines which otherwise would have been too low grade to work, have been enabled to continue operations, and thousands of men have thus been given employment. The Bureau has shown the oil operator how to prevent enormous wastes of petroleum and natural gas.

The Bureau has been a pioneer in the study of fuel combustion and has substituted sound scientific principles for guesswork in fuel-burning practice. The prevention of waste in the utilization of fuel has greatly benefited both the average housekeeper and the operator of the big power plant.

The Bureau collects and disseminates statistical data and studies the economics of production, distribution, conservation, and storage of the numerous essential minerals. Results of these studies are used widely by the mineral industries to keep in touch with market trends and to solve their problems.

9. The Office of Education

The Office of Education in the Department of the Interior is a small organization with a large job. This agency, under United States Commissioner of Education J. W. Studebaker, is doing a splendid service for American education—public, parochial, and private, despite limited appropriations and facilities to serve a nation that finds one of every four of its men, women, and children in some kind of school each day.

Today one thinks of the Office of Education as having several major divisions. The General Education Division constantly carries on studies in the general fields of education, ranging all the way from nursery schools to colleges and universities. These include studies on subjects dealing with elementary and secondary schools, health education, parent education, exceptional children, Negro education, and the like. The Office, really an educational observation post, finds progressive practices in both teaching and administration, making this information known in many ways to all school systems, in an endeavor to bring about higher standards of learning and more efficient handling of school problems. The Vocational Education Division, on the other hand, goes far beyond research. This Federal service actually supports, financially, vocational education in all the States. To a greater extent, therefore, in vocational education than in general education, the Federal Government makes possible something resembling equality of educational opportunity. This applies also to vocational rehabilitation, directed by the Office of Education and actually financed by the Office's appropriations.

Another major division is the one responsible for C. C. C. camp education. This division has worked diligently during the past 2 years to set up an educational program in the C. C. C. camps, aimed at reducing illiteracy and providing general and vocational education. As the result, 71 percent of the C. C. C. members are now voluntarily participating in some form of organized educational activity.

The Office of Education is also capitalizing the demands for emergency work for people on relief. It is doing this by carrying forward projects which potentially and actually have tremendous social significance. Among these are a study of the organization and administration of local school units, looking to better efficiency and economy in school systems throughout the United States; a university research project, which will bring from graduate schools reports on many studies and problems important educationally; a public forums project, which is expected to discover problems and potentialities of public forums as a method of adult civic education; an educational radio project, regarded as the first major attempt to develop the possibilities which radio holds for education; and a national study of vocational education and guidance opportunities for Negroes.

10. Division of Territories and Island Possessions

By Executive order, there was established in the Department of the Interior, effective July 29, 1934, the Division of Territories and Island Possessions, and there were transferred thereto from the Bureau of Insular Affairs, War Department, the functions pertaining to the administration of the government of Puerto Rico. Jurisdiction with respect to Alaska, Hawaii, and the Virgin Islands had previously been vested in the Department of the Interior, and these activities also were transferred to the new division, which now includes supervision over the Governor's office, Alaska Railroad, Alaska Road Commission, Alaska reindeer and Alaska insane, in Alaska; the Governor's office and Hawaiian Homes Commission in Hawaii; and the Governor's office, the Virgin Islands Co., and Bluebeard Castle Hotel in the Virgin Islands.

The Division was created by the President not only to perform the ordinary supervisory functions previously exercised with respect to the Territories and insular possessions but to coordinate the activities of the various governmental agencies operating therein and to carry out comprehensive programs for their economic and social rehabilitation. The Virgin Islands Co. has been very effective in carrying out the Federal Government's rehabilitation program in the Virgin Islands, and among the projects now under way there are the Bluebeard Castle Hotel, which was constructed by the Government to assist in the development of tourist trade in St. Thomas; a rum distillery and sugar mill in St. Croix; subsistence homesteads; rural and urban housing; and so forth. The resettlement of approximately 200 families from continental United States in the Matanuska Valley of Alaska was undertaken by the Federal Emergency Relief Administration about a year ago, and there is every reason to believe that it will be a success.

The experience gained in connection with this project will be extremely valuable in carrying out plans for a progressive colonization program for the Territory over the next 5 or 10 years. The Director of the Division is Administrator of the Puerto Rico Reconstruction Administration, which was created by Executive order dated May 28, 1935, and it has inaugurated a comprehensive program for the economic and social rehabilitation of Puerto Rico. Through the various projects now in operation, employment has been given to over 30,000 workers and it is expected that this number will be increased as new projects get under way.

11. Petroleum Conservation Division

Effective April 1 of this year, there was set up under the Office of the Secretary a Petroleum Conservation Division under the immediate charge of a Director. This Division will assist the Secretary of the Interior in administering the act of February 22, 1935 (49 Stat. 30), and under his direction is authorized to discuss the work of any agency dealing with oil and gas, recommend action on any case brought to its attention, coordinate information, and, through appropriate channels, act as the contact agency with the Interstate Oil Compact Commission, present required data to the Congress, attend oil and gas conferences in which the Department is interested, cooperate with the oil-producing States in the study of physical waste and the enactment of uniform oil- and gas-conservation laws, and contact other departments of the Government whose work deals in any measure with oil and gas.

V

FALSE-FRONT AND RACKET ORGANIZATIONS

The Liberty League, similar organizations, munitions interests, Du Ponts, and similar elements often finance false-front organizations. Herewith are two:

First. "The Farmers' Independence Council", an alleged farmers' organization. The list of "contributors" is as follows:

Lammot Du Pont, $5,000.
J. N. Pew, Jr., of the Sun Oil Co., $2,000.
Arthur Beeter, attorney for Swift & Co., Chicago, $3,500.
Alfred P. Sloan, Jr., president of General Motors, $1,000.
S. M. Swenson, of 52 Wall Street, New York, $1,000.
Winthrop W. Aldrich, chairman of the board of the Chase National Bank of New York, $500.
E. P. Prentiss, of Boston, $499.75.
S. Rheinstein, of New York, $150.
R. E. Fisher, of the Pacific Gas & Electric Co., $1,000.
G. E. Baldwin, of the Libby, McNeill & Libby Co., $1,500.
G. E. Roberts, of the National City Bank of New York, $100.
Oakley Thorne, of New York, $500.
George A. Ball, of Muncie, Ind., $500.
Ogden L. Mills, former Secretary of the Treasury, $100.
C. N. Bliss, of New York, $200.
J. D. Cooney, attorney for the Wilson Packing Co., $1,500.
A. B. Echols, of the Du Pont Co., $210.
A. G. Milbank, of New York, $500.
C. H. Haskell, of the Du Pont Co., $500.
A. C. Corbishley, of Swift & Co., $1,000.
J. N. Leonard, hay commission broker, $590.

Second. The Southern Committee to Uphold the Constitution.

The list of "contributors" are as follows:

John J. Raskob, $5,000.
Pierre S. Du Pont, $5,000.
Lammot du Pont, $500.
Henry B. Du Pont, $500.
Iréneé Du Pont, $50.
Alfred P. Sloan, Jr., $1,000.
O. C. Huffman, president Continental Can Co. of New York, $200.
Ogden L. Mills, New York, $100.
Charles S. McCain, Chicago, United Power & Light Co., $200.
W. E. Smith, Standard Oil Co., $100.
Alvan Macauley, Detroit, Packard Motor Co., $50.
A. C. Marshall, Detroit, Edison Co., $250.
Frank B. Kellogg, former Secretary of State, $50.
John W. Prentiss, of Hornblower & Weeks, New York City, $500.
William I. Walter, New York City, $150.
John B. Stranch, National Bearings Metal Corporation, $200.
Lewis H. Egan, Union Electric Light & Power Co., $200.
S. H. Curlee, of St. Louis, $300.
Finlay J. Shepard, New York City, $20.
Carleton Macy, New York City, $10.
H. C. Hopson, Associated Gas & Electric Co., $10.
John F. Neylan, San Francisco, general counsel for Hearst papers, $100.
E. W. Mudge and L. F. Mudge, of Weirton Steel Co. and National Steel Co., $100 each.

THE PHILIPPINE ISLANDS

The SPEAKER. Under special order the Chair recognizes the Commissioner from the Philippines [Mr. PAREDES] for 10 minutes.

Mr. PAREDES. Mr. Speaker, I realize that this House needs its precious time for the consideration of many other

more important matters than the subject of my address. I therefore thank you for having unanimously consented to my addressing you today.

With the passage of the independence law (Public Act No. 127, approved Mar. 24, 1934, commonly known as the Tydings-McDuffie Act), this Congress has set the crowning mark to the brilliant work that the United States has been undertaking, for the last 38 years, of helping a dependent people achieve the blessings of self-government, for we thereby receive the assurance of the enjoyment of complete independence at the end of 10 years. It is my privilege, as the first official representative of the new Philippine Commonwealth, to voice the gratefulness of my people for everything that you have done for us.

By gradual steps, as each preceding one justified a move forward, you have granted us the right to select our own local officers and then our legislature; later on you gave us a greater participation in administrative and executive officers; and, finally, you have permitted us the right to frame our own constitution and to establish a government exclusively of our own, with three independent but coordinative powers—the legislative, the executive, and the judicial—and with full powers of sovereignty, save only in matters of trade relations with your country, the currency, and our foreign affairs. Pursuant to that law and the constitution enacted in accordance therewith, we inaugurated on November 15, 1935, our Commonwealth Government and have started to enjoy the privileges and at the same time carry on the burdens imposed in the law.

It is gratifying to say that we have had a fair start under auspicious circumstances, beginning as it did with a demonstration of friendship and good will by several distinguished members of both Houses of Congress, headed by their respective illustrious presiding officers. Notwithstanding the difficulties and inconveniences of a long journey that lasted not less than 20 days each way, these bearers of good will, leaving behind them their more important duties and personal conveniences, came to our land to encourage us with their presence on the inauguration of the new government. To them and to their charming ladies and the newspapermen who joined the party, I wish to express the high appreciation of the Filipino people. Their democratic ways, the interest they all have shown to learn our needs, and the proven friendship and solicitude they have for everything that concerns us, have won for them the everlasting esteem and regard of the Filipinos and have earned for the United States the strengthening of the ties of a firm and ever-growing friendship with, and the enduring gratitude of, our people. Nothing could have been done to cement our feelings of gratitude and friendship for this country better than this congressional trip. And I wish to take advantage of this opportunity to say that the good wishes for our welfare which prompted you to approve the independence law and to come to our shores are beginning to be realized.

At the head of our government stands one of the greatest figures in contemporary oriental history, Hon. Manuel L. Quezon, the first president of our Commonwealth. With the far-sightedness of a real statesman his first official message to the national assembly was a strong appeal for national unity and consciousness. He recommended and obtained the enactment of a law for a compulsory universal military training and, under the direction of one of the ablest soldiers the United States ever had, Gen. Douglas MacArthur, the national army is being organized with no other purpose than to safeguard our nation against possible aggressions within and from without. With a strong hand President Quezon has restored the public morale in two provinces where two of the most dangerous bandits the Philippines have ever known had been, previous to the inauguration of the Commonwealth, terrorizing the inhabitants. With an unusual courage the president has made his stand definite for a civil service free from considerations other than efficiency; has set precedents in the standards of an impersonal and efficient administration of justice and public affairs; has started an uncompromising campaign against commercialized vice; and has secured the creation of a court of appeals whose judges he appointed with no other consideration than the insuring of absolute justice to all, to the end that everyone, no matter what his station in life, may be assured of an impartial and speedy justice.

And, preparatory to facing the burdens that the new status carries with it, and for the purpose of establishing our economic fabric on a firmer foundation, he has appointed an economic council composed of the ablest men we have among our economic leaders and a survey board to undertake the task of overhauling the machinery of the Government for the simplification of its functions and the elimination of wastage of our heretofore complicated bureaucracy.

With a good surplus, due to the wise policy of the last of our American Governors General, the Honorable Frank Murphy; with a budget favorably balanced the last few years, as well as during the present one; with the determination to simplify our machinery of government and to reduce expenses; with a statesman of the ability and greatness of heart of the Honorable Frank Murphy as United States High Commissioner; with a sympathetic Administration and Congress in the United States; and with the innate and proven capacity of the Filipinos for self-government and a disposition to do their duty and to follow the leadership of our President, there is every reason to view the future with confidence.

But absorbed, as you are, by your many serious domestic problems, you are liable to feel that you have already completed your task in the Philippines by giving us the independence law and to overlook the intention underlying the same. Just as you did give legal existence to the Philippine nation by constructive legislation, you can wreck your own splendid work by reactionary laws, predicated on a philosophy other than the generous purposes and the purport of the independence act. We take it that the evident purpose of said law is to prepare the Filipinos for complete independence by giving us control of our own internal affairs, as well as time and opportunity for readjusting our economics to enable us to face the burdens of an independent government. The law has been an offer on your part, conditioned upon the fulfillment of certain specified obligations on ours. We accepted the offer, including a definite statement of your great President, acquiesced in by Congress, when he said in his message of March 22, 1934:

> * * * where imperfections or inequalities exist, I am confident that they can be corrected after proper hearing and in fairness to both peoples.

The Filipinos take the law to be a solemn contract to which both your country and the Philippines have bound themselves. We consequently deem that, unless it be by mutual consent, the contract cannot be, and should not be, modified.

However, barely 1 week had elapsed since the acceptance of the independence law when Congress saw fit to indirectly amend the same by enacting the Jones-Costigan law on May 9, 1934, under which our sugar exportation to the United States during the calendar year 1934 was reduced, from 1,500,000 to a quota of 1,015,000 tons, almost 500,000 tons, valued at $35,000,000, notwithstanding the fact that the limitation of 850,000 long tons the independence law imposes on our sugar exports to the United States would not take effect until the establishment of our commonwealth.

A year had scarcely passed since the enactment and the acceptance of said independence law when Congress passed another law modifying its economic provisions, if in a way favorable to us, in another discriminatory to a country that is still under the protection of the American flag. The Cordage Act (Public, No. 137 of June 14, 1935), while enlarging the amount of cordage that the Philippines may import free of duty into the United States, has included binder twine, which by the general revenue laws is of free and unlimited importation even by foreign nations. Six million pounds is the limit of Philippine cordage, while foreign cordage has no limit at all.

And within the same period a provision was incorporated by Congress in the 1934 Revenue Act (sec. 602½) imposing a 3 cents per pound processing tax on coconut oil from the

Philippines, notwithstanding the provisions of the independence law allowing importation of oil free of duty to the extent of 200,000 long tons.

It is not surprising that the high spirit of fairness and justice of your President, aroused by such action, prompted him to recommend to Congress, in his message of May 28, 1934, the reconsideration of the tax on the ground, among others, that the congressional action in imposing it was "directly contrary to the intent of the provisions in the Independence Act", it being in effect a "withdrawal of an offer made by the Congress of the United States to the people of the Philippine Islands" and because the "enforcement of this provision at this time will produce a serious condition among many thousands of families in the Philippine Islands."

Representations were made by Philippine government officials protesting against the tax and asking for its reconsideration and elimination, and the Coconut Planters' Association, in December 1934, joined the protest and request, among some of the reasons being that "the tax is grossly unfair to the Philippines", the "tax is not proportionate to the value of the commodity on which it is imposed", and "there is no danger of any overproduction of copra and coconut oil in the Philippines."

The protest implies that the tax will eventually ruin an industry upon which more than one-fourth of the Philippine population depends for its living. The recommendation of your illustrious President, in said message was that the tax be reconsidered "in order that the subject may be studied further between now—May 28, 1934—and next January, and in order that the spirit and intent of the independence act be more closely followed."

The time for study as proposed by the President having elapsed, a bill has been filed in this House by Congressman DOCKWEILER—H. R. 8000—and its counterpart in the Senate by Senator GUFFEY—S. 3004—lifting the tax insofar as Philippine oil used for nonedible purposes is concerned, leaving it to stand with reference to oil for edible purposes. While this bill does not entirely satisfy the Filipino side of the case, we must admit that it may be considered as the "form of compromise which will be less unjust to the Philippine people and at the same time attain, even if more slowly, the object of helping the butter- and animal-fat industry in the United States" that the President in his aforesaid message found lacking in the protested tax.

Section 602½ of the 1934 Revenue Act, which the Dockweiler bill, H. R. 8000, seeks to amend, was enacted as a protection for domestic oils and fats. But while it has worked hardship to the Philippine oil industry, as will be seen later, it could not give the desired protection. According to the Census Bureau records, the consumption of edible coconut oil increased 31 percent in 1935 as compared to 1933. This is because the tax applies to both edible and nonedible oils. The nonedible usage being the largest—two-thirds of consumption—it establishes the price level at which coconut oil sells in the United States. The burden of a tax equal to 100 percent of the value of the oil at the time the tax was levied prevents Philippine coconut oil from moving into industrial products, such as rubber goods, soap, and tanners' oils, at the normal rate—less soap is being made—which enables the edible-oil user to obtain his supplies at a lower price than would be the case if there were no tax applying to industrial usages. The removal of the tax for industrial usage would force the edible user to pay more for coconut oil because the manufacturers who employ coconut oil for nonedible products would pay a higher price for our coconut oil if it were rendered tax free. The edible users would be forced to pay this increased price for oil plus the tax which would remain in effect on all oil used by them. The Dockweiler bill would put coconut oil back into normal channels of consumption—that is, the industrial—and reduce its edible use. The tax-free Philippine coconut oil would not displace domestic farmers' oil and fats. It would only displace lauric-acid-containing oils, none of which is of domestic origin.

On the other hand, the fears of wreckage of the copra and coconut industries in the Philippines by reason of the tax are proving to be realities since the enforcement of this tax. The average price of copra and coconut, as compared with the average price of former years, is only half of normal, notwithstanding the shortage of the domestic supply of oil resulting from the drought.

In order to ascertain what injury the Philippines have undergone as a result of the imposition of the 3 cents per pound excise tax on their coconut oil, 4 normal price years—namely, 1926 to 1929, inclusive—should be selected and the volume and value of exports of coconut oil and copra from the Philippines to the United States during these years compared to the year 1935, the first complete calendar year for which figures are available since the passage of the excise tax which went into effect on May 10, 1934. And we note that the volume of exports from the Philippines to the United States of both copra and coconut oil for said 4-year average, compared with the year 1935, apparently shows no injury from the excise tax.

In 1935 the volume of copra exports from the Philippines increased 135,784,000 pounds, or 41 percent over the 4-year average, and the volume of coconut-oil exports also increased 30,079,000 pounds, or 11 percent, over the 4-year average. This increase in exports, however, cannot be due to the tax, as anyone could easily realize. It was due to the necessity of the United States importing 2,650,000,000 pounds of oils and fats as a result of the domestic shortage of production of fats resulting from the 1934 drought and the consequent diminution of the supply of livestock, oleaginous materials, and so forth. Even with this shortage, the total importations of coconut oil, as such and in the form of copra, did not exceed 25 percent of the total importations required to fill up the deficit in United States oils and fats supplies, while the normal relationship of coconut oil in the form of oil and copra imports to the total vegetable-oil imports has been 38 percent over a period of years.

Had it not been for the tremendous deficiency in the United States supply of oils and fats, the importation of copra and coconut oil from the Philippines would have been greatly lessened as a result of the excise tax. When the United States supply of hogs and other livestock returns to normal, and cotton and corn production is increased due to the removal of restrictions incident to the governmental control program it can be anticipated that the volume of coconut-oil and copra exports from the Philippines to the United States will be heavily reduced.

But, while the United States took more coconut oil and copra from the Philippines in 1935 than it would have under normal conditions, owing to the 1934 drought, the prices at which it purchased its Philippine coconut oil and copra were about one-half of the average normal price as paid in the years 1926 to 1929. The average value per pound of copra exported from the Philippines to the United States for the 1926 to 1929 period was 4.40 cents per pound, and the value in 1935 was only 2.36 cents per pound, or a decrease of 46 percent in value as compared with normal. The average value of the shipments of copra from the Philippines to the United States was fourteen and one-half million dollars. The value of the copra shipments from the Philippines in 1935 to the United States was $10,987,000. In other words, while there was a 41-percent larger shipment of copra from the Philippines to the United States there was a decrease in total value obtained of 24 percent.

Copra yields 63 percent of coconut oil. The excise tax of 3 cents per pound on coconut oil, therefore, amounted to 1.8 cents a pound on copra, which is 63 percent of 3 cents per pound. If this 1.8 cents per pound is added to the average price of copra exported from the Philippines in the year 1935 (2.36 cents per pound), the sum aggregate is 4.16 cents per pound, or the equivalent of 18.30 pesos per hundred kilos in the islands, which brings it within the price range which Philippine copra growers were accustomed to get in normal years, namely, 17.73 pesos per hundred kilos in 1929, as a low, to 21.36 pesos per hundred kilos in 1926, as a high.

It is, therefore, evident that had not the tax on Philippine coconut oil been in existence in the year 1935, the price

realized on Philippine copra exported to the United States would have been near the normal.

Referring now to coconut oil, we will find that the average value of the coconut oil shipped from the Philippine Islands to the United States for the years 1926 to 1929 was 7.72 cents per pound, which may be fairly said to represent the normal value of Philippine coconut oil. But the average declared value of coconut-oil exports from the Philippine Islands to the United States for the year 1935 was only 3.42 cents per pound, or a decrease, as compared to the normal value, of 56 percent. The total value of coconut-oil shipments from the Philippine Islands to the United States in 1935 was $12,255,000, and during the 4 normal-price years the average was $24,588,000, which represents a decrease in value of $12,333,000, or 50 percent, despite an increase of 11 percent in the volume of exports.

If the excise tax of 3 cents per pound be added to the 3.42 cents per pound, which, as already stated, represents the average value of coconut-oil shipments from the Philippines to the United States in 1935, the aggregate is 6.42 cents per pound, which compares closely with the 7.72 cents per pound shown as the normal export value of Philippine coconut oil on the 1926–29 period.

But this is not all, Mr. Speaker. This processing tax is not laid on cottonseed oil of foreign origin, with the result that the importations of this product increased enormously since the imposition of the tax, with the consequent advantageous competition to our coconut oil. Other foreign oils were brought in in greatly increased quantities, because they are not subject to the processing tax. And more recently babassu oils appeared to complete the ruin of the Philippine oil. The use of babassu kernels in the United States has never developed extensively in the past, although the same is not subject to the excise tax; however, in the first 2 months following the trade agreement with Brazil, which includes babassu in the free list, the importation of babassu oils jumped to a figure that exceeds the importations of the whole year preceding. And as the qualities of babassu are almost the same as coconut oil, we find that our coconut oil is now quickly being replaced in this market by the babassu oil. This situation, Mr. Speaker, has moved the coconut planters of the Philippines to appeal to Congress for the enactment of the Dockweiler bill in a telegram sent to me and already transmitted to this honorable body. May I be allowed, for the purpose of completing the record, to read here said message in its entirety?—

Philippine Coconut Planters' Association earnestly requests enactment of Guffey-Dockweiler bill. Excise tax on coconut oil is not only unfair to Philippine industry, without benefiting American agriculture, but creates advantage in favor of foreign vegetable oils, especially babassu from Brazil, which does not pay the tax. Coconut industry is one of the basic Philippine industries, providing means of livelihood and purchasing power to one-fourth of country's population. Unless Guffey-Dockweiler bill is passed, Philippine copra and coconut oil will be rapidly displaced by other imported oils in American market, and Philippine industry will suffer severe losses, which will be reflected in the life of the masses and the revenues of the government. We appeal to the Congress for justice and reestablishment of the conditions as to trade relations prescribed in the independence law.

(Signed) PHILIPPINE PLANTERS' ASSOCIATION.

The members of the national assembly representing the coconut-producing districts have joined in the above request by a radiogram sent to me and also already transmitted to the House. This radiogram reads:

Assembly representing coconut-producing provinces appeal to Congress on behalf 4,000,000 Filipinos to approve Dockweiler bill. Big landed coconut planters almost unknown here, because coconut holding much more diffused than any other single industry; hence better consumers' American goods. Philippine consumption American goods almost directly proportionate to copra price level. Although prices other major Philippine products have been improving or kept in steady level, consumption American goods has not shown improvement because copra price level has not improved, slight improvement despite handicaps being negligible. (Signed) Lavides, Maneja, Dizon, Alano, Luna, Montano.

And finally the President of the Philippine Commonwealth has also asked me to do what I can to expedite the passage of the Dockweiler and Guffey bills. His message to me reads:

For Commissioner PAREDES: After extended deliberation I have decided to support the Guffey-Dockweiler bills, as beneficial to the Philippine coconut industry, in that they will result in (1) higher copra prices and better demand for Philippine copra, and (2) in the elimination of much of the competition our products are offering in edible channels, which is the chief source of complaint from American dairy interests. Philippine copra producers and oil mills further claim that on present basis they are losing much of their former inedible trade to other oils and fats of foreign origin available cheaper because of excise tax, and without benefit to domestic producers. These bills appear to offer reasonable compromise and should do much to simplify and harmonize the general situation. I request that you do everything that is necessary to expedite the passage of these bills.—Quezon.

Mr. Speaker, I am complying with a duty to my government and my people in transmitting to this House and joining the above requests for enactment of the Dockweiler bill (H. R. 8000) and by presenting to you on their behalf the situation as I see it. This excise tax violates the spirit of the covenant contained in the independence law, and it ruins one of our largest industries in the Philippines without benefiting yours. I submit that under all equitable principles our products are entitled to all reasonable advantages over those coming from foreign countries. Your glorious flag still waves sovereign over our land. We not only feel ourselves in duty bound to a complete allegiance to you, but we have in the past sufficiently shown our loyalty when your country entered the World War. Our industries have been built to fit a free trade that you have imposed upon us, with the best of intention to help us develop our commerce, we must admit, but over our objections as voiced at the time by our Philippine Assembly and our Resident Commissioners. We feel that taxes which ruin such industries should be repealed.

In the noble experiment conducted by the United States the Filipinos have done their part with a deep sense of responsibility. In the covenant contained in the independence law we have done and we are ready to continue doing our part. It is only just to publicly acknowledge that you, your people, and the administration have so far done theirs, and that the deviations from the established policy, which I have pointed out, might be due to pressing serious domestic problems that caused you to overlook our status or to have a mistaken appraisal of the effects of your action. I voice the feeling of my people when I say that we know you will not deliberately take any action that may tend to undermine your own splendid work in the Orient, and that the innate sense of justice of this great Nation will not permit the wreckage of a newly born nation aspiring to be free and independent by such action as might be construed by the rest of the civilized world as a deliberate attempt to stem the tide of progress. There is an abiding faith in our hearts in the sense of sportmanship of the American people, and this faith is our guarantee of happiness and prosperity. We trust that you will heed our requests. I thank you.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. PAREDES. Yes; with pleasure.

Mr. MARTIN of Colorado. Mr. Speaker, if it should embarrass the gentleman to answer the question which I shall propound, I shall not press for an answer, though I would like to have it answered, or if he wishes to reserve the preparation of his answer and put it in the RECORD afterward, that will be satisfactory. I read an article a few days ago apparently cabled from Manila by a correspondent, I think a full column or more, which appeared in the American papers. It dealt with the intense interest now being displayed in the Philippines by Japan, and stated that various excursions from the Philippines to Japan were prepared and carried through by the Japanese, that teachers, officeholders, businessmen, and so forth, were joining those excursions by groups; that a very great display of interest was being made by Japanese influences in all Filipino affairs, and contacts were being established in Manila. In other words, that a process of Japanese infiltration is taking place, and the article further stated that there is an atmosphere growing up in Manila, being that ultimately there will be built up a change of masters in the Philippine Islands. The gentleman can comprehend without any further statement on my part what that change of masters would be. Would

the gentleman care to give the House any expression on that proposition?

Mr. PAREDES. Mr. Speaker, to start with, I do not know of any such movement or interest, and I do not believe there is anything like an organized campaign; but, assuming that there is, for the sake of argument, that is all the more reason, I say, for this Congress to pay attention to our requests, because the Congress has pledged itself to give us complete independence and ought to see to it that we shall enjoy the blessings of complete independence by helping us place ourselves beyond the reach of foreign nations.

The SPEAKER. The time of the Commissioner from the Philippines has expired.

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, the work of rehabilitation from floods throughout the Nation is going on steadily and fast. The terror has disappeared, poignant memories are losing their sharpness. Soon the debris will be cleared, ruin repaired, removing all visible memory of the flood.

Just tribute is being paid to the various municipal, State, and Federal agencies, civic bodies, and private associations, philanthropic and otherwise, municipal, State, and Federal officials, others who are employed in the service of the Government.

But I want to pay tribute also to the courage and loyalty of the thousands of individuals who stuck by their respective posts, giving in their own quiet way the service which the community needed as long as that service could be given. I saw in my own district, in Hartford and in adjoining towns, the policemen, the firemen, the State militia, the Coast Guard, the Boy Scouts, the C. C. C. boys, the veterans, all joined in the effort of helping those in distress.

There were also the mill hands, the factory workers, employees in stores and warehouses striving to keep the flood devastation at a minimum, pumping out the water, fortifying the places where they worked. There were the restaurant keepers, the employees of restaurants, supplying food and drinks to the men who were desperately battling the flood. There were the employees of public utilities, the telephone men and girl operators, the telegraph operators, who kept the wires humming with messages as long as those wires could hold out.

There are men and women whose names, because of their work during those trying days, will be written in the annals of Connecticut. These of whom I have just spoken are the unsung heroes and heroines. But even if their names are not inscribed, the memory of their courage, devotion, and service to their fellow men will live long in the hearts of those who witnessed their deeds and those who heard about them.

We in Congress are working desperately to put through legislation which will permit the construction of flood-control projects so that the tragedies of the past month may never be unnecessarily visited upon us again. I ask that we pause one moment and give a cheer for the unsung heroes and heroines of the flood. [Applause.]

LEAVE OF ABSENCE TO HOMESTEAD SETTLERS DURING 1936

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9997) granting a leave of absence to settlers of homestead lands during the year 1936, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take from the Speaker's table the bill H. R. 9997, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 2, after line 18, insert:

"SEC. 2. Any homestead settler or entryman, including any entryman on ceded Indian lands, who is unable to make the payments due on the purchase price of his land on account of economic conditions shall be excused from making any such payment during the calendar year 1936 upon payment of interest, in advance, at the rate of 4 percent per annum on the principal of any unpaid purchase price from the date when such payment or payments became due to and inclusive of the date of the expiration of the period of relief granted hereunder."

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. I think the chairman of the committee should make an explanation to the House, so that we will know exactly what the Senate amendment does and in what respect it changes the House bill.

Mr. DEROUEN. The Senate amendment does not change the House bill, except in this respect: It provides that those seeking an extension for the year 1936 must pay in advance all interest in arrears, as well as the interest for the year 1936, on the purchase price of ceded Indian lands.

Mr. SNELL. That is, they must pay the back interest?

Mr. DEROUEN. They must pay all interest in arrears plus interest for the year 1936 in advance at 4 percent.

Mr. SNELL. What concessions are we making to them?

Mr. DEROUEN. Just granting an extension of another year.

Mr. SNELL. And this has the unanimous approval of the gentleman's committee?

Mr. DEROUEN. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

WATERSHEDS OF SANTA BARBARA COUNTY, CALIF.

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6544) to conserve the water resources and to encourage reforestation of the watersheds of Santa Barbara County, Calif., by the withdrawal of certain public lands, included within the Santa Barbara National Forest, Calif., from location and entry under the mining laws, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take from the Speaker's table the bill H. R. 6544, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 3, line 20, after "therefrom", insert ": *Provided further*, That any person desiring to locate and enter upon any such withdrawn lands under the mineral-land laws may make such location and entry upon a showing satisfactory to the Secretary of the Interior and the Secretary of Agriculture that the lands to be entered are chiefly valuable for minerals."

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. As I listened to the reading of the amendment it seemed to me it is very far reaching. Will the gentleman from Louisiana please explain what it does and what the attitude of his committee is in regard to it?

Mr. DEROUEN. The committee, I believe, reported this bill unanimously. The bill was passed by the House, with the consent and approval of the Republican Members, and the Senate has added a provision. That provision is this, that any person desiring to locate and enter upon such withdrawn lands under the mineral-land laws may make such application and entry, upon a showing satisfactory to the Secretary of the Interior and the Secretary of Agriculture that the lands to be entered are chiefly valuable for minerals. In other words, it must have the approval of both the Secretary of the Interior and the Secretary of Agriculture as to the facts in the case that these lands are more valuable for mineral. That is all it does, and I think it is a very good provision.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. DEROUEN]?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

SPECIAL COMMITTEE ON INVESTIGATION OF LOBBYING ACTIVITIES

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 475.

The Clerk read as follows:

House Resolution 475

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 234, joint resolution authorizing the Senate Special Committee on Investigation of Lobbying Activities to employ counsel, in connection with certain legal proceedings, and for other purposes, and all points of order against said joint resolution are hereby waived. That after general debate, which shall be confined to the joint resolution and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. COX. Mr. Speaker, one-half of the time on the rule I yield to the ranking minority member of the Committee on Rules, to be by him in turn yielded as he sees fit.

Mr. Speaker, I yield myself 25 minutes.

Mr. Speaker, the time at my disposal is not sufficient to permit of a full explanation and discussion of the purpose of this resolution. I beg the membership to refrain from propounding questions until I have, in the main, completed my statement.

On July 11, 1935, the Senate adopted Senate Resolution 165, setting up a special committee of five, which was—

Authorized and directed to make a full and complete investigation of all lobbying activities and all efforts to influence, encourage, promote, or retard legislation, directly or indirectly, in connection with the so-called holding-company bill, or any other matter or proposal affecting legislation.

The committee was authorized—

To employ and to call upon the executive department for clerical and other assistance and to require by subpena, or otherwise, attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as it deems advisable.

The committee is under the chairmanship of Senator BLACK and is commonly referred to as the Black committee.

On July 29, 1935, the Senate adopted Senate Resolution 184, amending Senate Resolution 165 by broadening the discretion of the special committee as to the time and place of sitting, and enlarged its powers by directing it—

(a) To investigate and report to the Senate upon the financial structure corporate affiliations, interlocking stock ownerships and directorships, and the financial relationships, stock transactions, capitalization, expenditures, and operations of such persons, companies, corporations, partnerships, and groups as have sought in any way to influence the passage or defeat of legislation, or to influence public contracts, activities, or concessions; (b) to investigate and report upon the political contributions and activities of such persons, corporations, partnerships, or groups, their officers and agents, and their efforts, if any, to control, directly or indirectly, the sources and mediums of communication and information.

Later the committee caused to be served upon the telegraph companies maintaining offices in Washington, subpenas duces tecum calling for the production of certain telegrams. Some of the subpenas were specific in identifying the evidence called for, but others were general in form calling for production of all telegrams sent by, charged to, received, or paid for by certain named parties between the dates of February 1 and August 1, 1935.

After the committee had made disclosures as to the destruction of certain messages and the possible improper use of telegraphic means of communication the Federal Communications Commission made an order directing an examination of the books, papers, and files of the telegraph companies maintaining offices within the District of Columbia and did send its agents into such offices who did examine the books, records, and papers of the telegraph companies and did make copies of telegrams pertinent to the purposes of its investigation and to the inquiry being conducted by the committee.

It is charged that the aid of the Communications Commission was invoked by the Black committee and that the Commission, in the work that it did, was acting as the agent and representative of the committee. Agents of both the committee and the Commission acted together in the examination of the books, papers, and files of the telegraph companies, and it is fair to say that probably the Communications Commission was brought into the picture by the committee. It is a fact, however, as repeatedly stated by Senator BLACK, that the committee holds no telegrams or other evidence obtained from the telegraph companies except that which was produced under subpena.

Around the middle of March, last, Mr. William Randolph Hearst came into the Supreme Court of the District of Columbia seeking to restrain and enjoin the Black committee and the Federal Communications Commission from the further examination of the books and papers of the telegraph companies and the use of the telegrams already obtained insofar as affects messages passing between Mr. Hearst and any of his agents and employees or as between him and any news agencies or other corporations having to do with the publication of news which are under his ownership or control.

On April 8 the court denied the relief sought by plaintiff, holding that it was without authority to enjoin a committee of the Senate and that as to the Communications Commission the question was moot as the Commission answered that it had no intention of making further search and seizure under the order which it had made and its examination conducted.

In prosecution of the determination to contest the issues raised by Mr. Hearst the Senate adopted Senate Joint Resolution 234 granting authority to engage counsel to represent defendants in the suit which is, in effect, against the Congress of the United States, and this resolution is now before the House for action. As to any present necessity for engaging counsel, I am not advised; that is, of course, a matter for the Senate committee to decide. Under the law no committee of Congress can pay any one employee more than $300 per month, which sum is wholly inadequate to engage competent legal talent to handle this case. The fee of counsel is to be paid out of contingent funds of the Senate and to be fixed by the Senate Committee to Audit and Control the Contingent Expenses of the Senate.

The basis of Mr. Hearst's suit is that the examination of the books, papers, and files of the telegraph companies by the Black committee and the Federal Communications Commission constituted an unreasonable search and seizure, and was in violation of the rights of plaintiff under amendments 4 and 5 of the Constitution; that many of the telegrams examined and copied and noted were of a private, personal, and privileged nature and have no connection whatever with the subject matter of the investigation, or with any subject matter concerning which Congress could enact valid legislation; that among the telegrams examined, copied, and noted were messages from the plaintiff to his associates and employees and messages from his associates and employees to plaintiff, or to other associates and employees of plaintiff; that copies of messages in the offices of telegraph companies are the property of the senders and that neither the plaintiff nor any of his employees or associates, agents or attorneys have given any authority whatever to the Black committee or to the Federal Communications Commission, or to any of the communications companies, or to anyone else to read, copy, or make any use whatsoever of messages passing between them; that the Black committee is without authority to make any use whatsoever of messages obtained; that the Federal Communications Commission was without authority to send their agents into the office of telegraph companies to make the examination complained of, and had no authority to divulge to the Black committee or any other the result of their examination; that Congress is without authority under the Constitution to regulate, interfere with, restrain, restrict, censor, or inquire into the conduct of the business of the

press; that no agency of the Government has the power to go on a fishing expedition into matters concerning the conduct of the business of the press, to obtain messages exchanged between publishers and their employees or between employees of publishers relating to the business of the press and to turn such messages over to other agencies of the Government for whatever use such other agencies may desire to make of them; that the use of messages passing between plaintiff and his associates and employees, or between his associates and his employees could result in no valid legislation; that all of the messages passing between plaintiff and his associates and employees or between his associates and his employees are privileged under the first, fourth, and fifth amendments of the Constitution.

Plaintiff prays that the Black committee, the Federal Communications Commission, and their agents and employees, be restrained from making any use whatever of any of the messages sent by or received by plaintiff which have been copied from the record of any of the communications companies, and from the disclosure of the contents of any such message to anybody other than plaintiff; that they be restrained from making any further demands upon any of the communications companies transmitting messages of the plaintiff or his associates or employees for copies of such messages or any information whatever pertaining thereto; and that they be restrained from retaining or holding any such messages which might now be in their possession or from keeping or retaining any copies thereof.

From what has been said it clearly appears that serious questions are raised by the suit affecting the constitutional privileges and prerogatives of both the House and Senate. It is a challenge to the right of Congress to legislate in the exercise of its constitutional powers.

The whole question is a terribly tangled one and is full of apparent contradictions. Effort at clarification invariably bogs down in confusion. This has probably been due to the fact that discussion has proceeded upon the assumption that ours is a government that is absolute trinity in form, that all powers have been nicely and exactly divided into three parts, when this is not true. Such a thing is difficult, if not impossible, of accomplishment. The legislative department performs acts which, taken separately, are judicial and executive in character, but all included within and as a necessary part of legislation. Each of the other departments exercise mixed powers, but which are not regarded as such, being powers that are incidental to, included within, and as a necessary part of the primary functions which they perform.

The Senate committee is acting under a resolution that has the force of law and forms a proper basis for its proceedings. The committee occupies the same status as does the Senate, for it is the Senate acting through the device of a committee rather than as an entire body.

It is the undisputed right of the citizen to be secure against unreasonable search and seizure and against being compelled in any criminal case to be a witness against himself. These are rights which are to be regarded as the essence of constitutional liberty, and the guaranty of these is as important and as imperative as are the guaranties of other fundamental rights of the individual citizen and are not to be depreciated by any kind of encroachment. A committee of Congress is under the same obligation to respect these rights as all others. But the power of Congress, through committees or otherwise, to investigate as incidental to legislation is inherent and cannot be defeated on sentimental grounds.

While the subpenas used by the committee are substantially the same in form as those heretofore used by committees of the House and Senate and other investigating bodies, some of them undoubtedly do not meet the requirements of the law; and under some circumstances production under them would probably constitute unreasonable search and seizure.

The circumstances would indicate that the Communications Commission made its order of investigation at the instance of the Black committee, but this would not invalidate its proceedings so long as it keeps within the scope of the Communications Act of 1934. As to the right of search and seizure, the Commission and the committee do not stand exactly upon the same footing. The Commission investigates for one purpose and the committee for another. Yet the product of the search of both, legally acquired, may be used by either when pertinent and relevant to the object sought to be accomplished.

It must not be overlooked that the constitutional inhibition against unreasonable search and seizure as contained in the fourth amendment is primarily for the purpose of protecting the citizen against being compelled to testify against himself in a criminal prosecution and violation of his rights as contained in the fifth amendment, and, too, it must not be overlooked that protection against such eventuality is provided for by law both as to the Commission and the committee. All questions of privilege insofar as concerns investigations conducted by committees of Congress are wiped out by reason of the immunity clause against prosecution as contained in the act of January 24, 1857, as amended by act of January 24, 1862, the constitutionality of which has been upheld by the Supreme Court.

If the Communications Commission, in its search, made discoveries relevant or irrelevant to the purposes of the investigation provided for in Senate Resolutions 165 and 184 and revealed them to the committee without being required so to do, such evidence would probably be held to be inadmissible in a suit at law upon the ground that disclosure to the committee violated the secrecy provision of the Communications Act. Or, if the Commission was not acting upon its own responsibility and not within the scope of its authority, but solely as agent of the committee, and if the subpenas under which evidence was obtained were wholly blanket in form, and in nowise related to any particular subject matter, then, material that it may have turned over to the committee could not be properly used for any purpose by any person other than the committee and by the committee only as an aid to legislation and should not be made public, all of which involves the use of discretion which the committee must be depended upon for wise exercise.

It is not every search and seizure that violates the fourth amendment. The search and seizure must be unreasonable, and what may be unreasonable under one set of circumstances may be entirely reasonable under different circumstances.

Amendments 4 and 5 to the Constitution are closely related. That which constitutes unreasonable seizure under the fourth amendment may amount to an unlawful taking and the compelling of a person to give evidence against himself, which is forbidden by the fifth amendment.

Neither Congress, nor any committee of Congress, has any more right to violate the constitutional privileges of the citizen than any other, and yet an act of an investigating committee of Congress may be entirely within the law, while the same act committed by another might be in violation of the law, the question of the reasonableness or unreasonableness, immunity against harm, and attendant circumstances having much to do with the determination of the question. While there is respectable authority for the contention that the right of Congress through committees to investigate and acquire information necessary to the enactment of legislation in the public interest is subordinate to the right of the citizen to be secure in the enjoyment of his constitutional privileges, yet a committee of Congress cannot be hampered in making inquiry by leaving to the citizen to determine for himself as to what is or is not privileged. While the question is that of the reasonableness of a search and seizure, judicial and not legislative, it is a question for the committee to determine.

There is no unlawful search and seizure when a writ, suitably specific and properly limited in its scope, calls for production of documents, which, as against the lawful owners, the party procuring the issuance is entitled to have produced.

The contention made by the plaintiff in the suit referred to that it is not within the power of Congress to legislate with respect to or make any investigation into any matter affecting the press, that such would constitute a violation of the first amendment to the Constitution, is not sound. No one is

endeavoring to secure congressional legislation abridging freedom of speech or the press; no one wants such legislation. The press, however, is not above the law and does not want to be. It asks for nothing more than that its freedom be not abridged by congressional action, and that it be protected as guaranteed by the Constitution and supported by public opinion. Freedom of speech and the press are principles of natural justice and had become permanently fixed in English jurisprudence long prior to the adoption of the Constitution.

The paramount question involved is, Have the courts the right to establish judicial control over the proceedings of Congress? By putting the question in this form I do not mean to insinuate that I think the courts want any such control. I assert that they do not.

While it was intended that the legislative should be the dominant department of government, I am not contending that it is more than coequal with the other two departments, but I do insist that it is coequal.

My examination of the question has brought me to the conclusion that it is not within the powers of the courts to interfere in any wise with the proceedings of Congress in the performance of a legislative function, and that the effort in this instance to enjoin a committee of Congress must be unavailing. If the rights of the plaintiff, or any other, have been violated, then their sole forum for redress is the Senate of the United States. It may seem unreasonable that the body called upon to protect a right is the body threatening or violating it, but such is the case, and, as in this instance, necessarily so, for the independence of the legislative body must be maintained and not subjected to judicial or other interference.

I regret that the time at my disposal does not admit of full discussion, but certainly the House will respect this requisition made upon us by the Senate. We will do it because of the respect which the House owes that body and because of our sense of duty to protect and preserve the integrity and independence of the legislative department of the Government.

Much has been said in the press and elsewhere in criticism of the Black committee. Deliberate and studied effort has seemingly been made to put a false face upon its proceedings and to create the impression that it has gone about the performance of its labors in a high-handed and lawless manner. These are not the facts of the case. It may be that in some instances innocent parties have suffered embarrassment. I think they have, and it is to be regretted, but in a widespread campaign against the trickster and wrongdoer, busy in the effort to muddy the stream of public opinion and corruptly influence legislation, this was inevitable. We must look to the general results in judging the work of the committee, and when we do this without prejudice we are obliged to concede that the committee has rendered an invaluable public service and has securely laid the foundation for legislation to combat the evils which everyone knows to exist.

But after all the best and surest protection against wrongful approach and corrupt influences is a well-informed, upstanding, and courageous Congress, which I believe we have. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. TABER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore (Mr. COLMER). The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 65]

Adair	Boykin	Cannon, Wis.	Corning
Allen	Brennan	Cary	Crosby
Andrew, Mass.	Brooks	Cavicchia	Darden
Bacon	Brown, Mich.	Christianson	Darrow
Barry	Buckbee	Claiborne	Dear
Beam	Buckley, N. Y.	Clark, N. C.	Delaney
Bell	Bulwinkle	Cooley	Dickstein
Berlin	Caldwell	Cooper, Ohio	Dies
Dietrich	Gildea	Lehlbach	Reed, N. Y.
Dingell	Gingery	Lucas	Romjue
Disney	Goodwin	McAndrews	Sabath
Ditter	Granfield	McFarlane	Sanders, La.
Dobbins	Gray, Pa.	McGrath	Schaefer
Doutrich	Greenway	McKeough	Schuetz
Dunn, Miss.	Gregory	McLaughlin	Sirovich
Dunn, Pa.	Hart	McMillan	Smith, Conn.
Eagle	Healey	McReynolds	Somers, N. Y.
Eaton	Higgins, Mass.	Mitchell, Ill.	Starnes
Ekwall	Hill, Knute	Monaghan	Steagall
Faddis	Hoeppel	Montague	Stewart
Farley	Hollister	Montet	Thomas
Fenerty	Imhoff	Moritz	Wallgren
Ferguson	Jenckes, Ind.	Nichols	Werner
Fernandez	Jenkins, Ohio	O'Brien	Wigglesworth
Fiesinger	Kee	O'Day	Wilcox
Fish	Kelly	Oliver	Wilson, La.
Flannagan	Kennedy, N. Y.	Owen	Withrow
Frey	Kerr	Perkins	Young
Fuller	Kocialkowski	Pfeifer	Zioncheck
Gasque	Larrabee	Randolph	
Gavagan	Lea, Calif.	Reed, Ill.	

The SPEAKER. Three hundred and six Members are present, a quorum.

On motion by Mr. BANKHEAD, further proceedings under the call were dispensed with.

Mr. RANSLEY. Mr. Speaker, I yield 3 minutes to myself.

Mr. Speaker, the general law prohibits the payment by any congressional investigation committee of a sum exceeding $3,600 a year to any one individual. This rule, however, brings forward a resolution which, if passed, will make an exception to the so-called Black investigating committee of the Senate, which many on this side of the aisle believe should be opposed most strenuously.

The committee of investigation undoubtedly should know the rules and the law, and be governed accordingly. If anyone claims to be injured in or by the acts of the committee, they undoubtedly have recourse to the law. I believe that no good reason can be advanced for the passage of this rule or the resolution which the rule brings in order. I hope that both the rule and the resolution will be defeated.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a question?

Mr. RANSLEY. I have but 30 minutes. I have divided my time, and if I were to take the floor for any length of time it would be unfair to those to whom I have promised time.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. MAPES] 10 minutes.

Mr. MAPES. Mr. Speaker, the right or power of the Black committee or the wisdom or unwisdom of its activities is not involved at all in the consideration of this resolution. It is fair to say, I think, that the same attorney will be retained by that committee to represent it in the proceedings now pending in the courts whether this resolution is passed or not; and I assume that that attorney will exercise the same ability and give the case the same consideration whether this resolution is passed or not.

The only thing involved in this resolution is how much he shall be paid and whether a special exception shall be made in favor of the Black committee. Existing law, as has been pointed out, limits the amount that any investigating committee either of the House or of the Senate can pay to any one person, accountant, attorney, investigator, or any other person to $3,600 per year, or $300 per month.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MAPES. After I have made my statement I shall be glad to yield.

This resolution proposes to repeal that law as far as the Black committee is concerned and to permit it to pay an attorney to represent it in the courts in the case brought against it by William Randolph Hearst any amount fixed by the Committee to Audit and Control the Contingent Expenses of the Senate.

It is well known that other committees of the House and Senate as well as the Black committee are chafing under the restrictions of the existing law. The history of this legislation is interesting. It shows that it was passed in both Houses at the instigation and upon the initiative of the Committees on Appropriation of the respective Houses. A few years ago the Committee on Appropriations of the Senate of its own volition proposed an amendment, which was adopted without

debate, putting this restriction upon the expenditure of the contingent fund of the Senate.

On the House side a similar restriction was put on by the Committee on Appropriations. There was no debate on the amendment in the Senate, but in the House the gentleman from Texas [Mr. BUCHANAN], chairman of the Committee on Appropriations, and the gentleman from New York [Mr. TABER], the ranking Republican member of that committee, supported the resolution. The only other person who participated in the debate at that time was the gentleman from New York [Mr. O'CONNOR], who questioned the wisdom of the limitation. But it was adopted and has been carried on appropriation bills for the last several years.

The gentleman from Georgia [Mr. COX] made a very interesting statement in opening the discussion on this resolution, but it seems to me he did not get to the point involved. He discussed the question of the independence of the legislative branch from the judicial branch of the Government, but as I see it that is not the question involved in the consideration of this resolution.

The gentleman from Georgia said:

> The paramount question involved is, Have the courts the right to establish judicial control over the proceedings of Congress?

I say with great respect I do not think that is the question at all. The case in which the Black committee is involved has already been considered in the lower courts. The attorney to represent the committee has been retained and has appeared in the lower court for the committee, and the lower court has found in favor of the committee. For one, I have no quarrel with that finding of the lower court, and I am not going to discuss that or the merits of the case now in the courts. This resolution has nothing to do with the merits of that case, nor of the independence of Congress. It simply raises the question of how much shall the attorney for the Black committee be paid for representing the committee in the courts? This is the only question involved here.

Every lawyer will concede that the fee the Black committee can pay the attorney under existing law is not very large, but some great investigations have been carried on since this limitation was put upon expenditures from the contingent fund and upon these investigating committees. I can recall several large investigations by important committees of the House, and not so long ago there was a great investigation by the Banking and Currency Committee of the Senate conducted by the distinguished investigator, Mr. Pecora. They were conducted with this limitation in force, and the committees were successful in securing the services of lawyers of outstanding ability.

If we start making exceptions, we shall have a multitude of committees coming into this House asking for exceptions. If we are going to repeal this act so far as this one committee is concerned, then let us repeal it altogether and make it apply to all investigating committees alike. Until it is repealed outright and made to apply to all alike, I, for one, am opposed to giving special consideration to a particular committee because, perchance, it is exceptionally aggressive or exceptionally favored.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield.

Mr. RANKIN. The gentleman from Michigan realizes this is not an investigation. This is a lawsuit in which the prerogatives of the Congress are challenged. I want to ask the gentleman——

Mr. MAPES. Mr. Speaker, that is as far as I can yield. But the limitation of the Senate put on by the Senate Committee on Appropriations itself and adopted by the Senate specifically makes it apply to professional services; and it was well known when the amendment was adopted in the Senate and in the House that it was to apply to lawyers as well as to investigators, accountants, and others. It was premeditated and adopted deliberately with full knowledge of what the Congress was doing. It was adopted to correct well-known abuses which had grown up, giving large fees to lawyers employed by certain committees.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield.

Mr. CELLER. Does the gentleman think it would be appropriate to pay an attorney of distinction and merit but $300 a month to appear before the United States Supreme Court on a question as momentous as the one involved herein, namely, the rights and prerogatives of a legislative investigating committee?

Mr. MAPES. I think the limitation is pretty small but the question involved here is whether we are going to make an exception in favor of this one committee.

Mr. RANKIN. Mr. Speaker, will the gentleman yield for a question right there?

Mr. MAPES. Mr. Speaker, I yield back the balance of my time.

Mr. RANSLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, the Senate of the United States, realizing the discredit into which investigating committees had gotten themselves by tremendous expenditures to lawyers, agents, and the like, started this idea of keeping payments to individual employees and lawyers down to $300 a month. The House finally, at the insistence of some of us who felt we ought to be on as good a plane as the Senate, helped to enact the limitation into law.

The present situation is that a resolution was introduced in the Senate and passed by that body on the 23d day of March, and was reported by the Judiciary Committee on the 27th day of March, 3 weeks ago, authorizing the Senate to fix any kind of fee it pleased for a lawyer conducting litigation in behalf of the Black Committee of the Senate.

I do not know whether it is so or not, and I should like to be corrected if it is not, but I understand this lawyer is a partner or a former partner of that Senator.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. BANKHEAD. I have heard a great many rumors with reference to the matter. If the gentleman will accept my statement upon it, and I know the facts, the gentleman who has been employed to conduct this most important litigation for this committee is not Senator BLACK's former law partner.

He was associated with him a great number of years ago only temporarily, but the partnership then existing has been dissolved for more than 11 years.

Mr. TABER. He was a former partner?

Mr. BANKHEAD. He was a former partner for a few years.

Mr. TABER. Well, that is the situation.

Mr. Speaker, there is authority in here to pay this man as a retainer fee $10,000, and that is not the limit. There is absolutely no limit fixed for the appropriation of money to be paid out of the contingent fund of the Senate.

Mr. BANKHEAD. Why does the gentleman make that statement? Where does he get the authority to make that statement?

Mr. TABER. I will read to the gentleman a part of the resolution.

> The total compensation for such legal services to be fixed by the Senate Committee to Audit and Control the Contingent Expenses of the Senate, and the payment of other expenses necessarily incurred in connection with said litigation to be approved by the said Committee to Audit and Control the Contingent Expenses of the Senate, $10,000, to be immediately available from the contingent fund of the Senate under this joint resolution and to remain available until June 30, 1937.

Mr. Speaker, there is absolutely no limitation in there to $10,000, and there is no language herein that may be construed as a limitation. It is simply $10,000 from the start, and there is absolutely no limit whatever.

I wonder if the House of Representatives wants to stultify itself by passing this kind of resolution. I have just as much courtesy toward the other body as has any Member of the House, but I cannot bring myself to the point where I am ready to go hog-wild in an attempt to authorize a committee in the Senate to fix any kind of fee it pleases in a matter of this kind. [Applause.]

[Here the gavel fell.]

Mr. RANSLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. Mr. Speaker, I have such strong and impelling convictions with respect to the matters and things involved in this resolution that I find it impossible to register my protest solely by my negative vote. There are compelling reasons why I cannot and shall not vote for this resolution authorizing the employment of counsel to defend the action had and taken by the committee referred to therein. In the first place, I can see no reason why an exception should be made with respect to this particular investigation committee insofar as the amount of its expenses for legal services are involved. In the second place, in my opinion, no matter how much money might be authorized or expended, no one can successfully defend those responsible for the action of the committee either in good conscience, the forum of public opinion, or in the court of last resort.

The committee's action is not only indefensible but is reprehensible and despicable. Its action, with respect to the telegrams involved, was an unwarranted interference with and infringement and violation of personal liberty, freedom of individual action, and the inherent and inalienable right of personal security; that most sacred of all rights which we are supposed to possess, and under the Constitution as American citizens, ought to be permitted and privileged to enjoy.

Under a claim and color of right an alleged power and authority has been grossly abused and a most serious invasion of personal rights has occurred. Such abuse of power and authority should not be tolerated or permitted by the Congress of the United States and will not be by the American people.

I say to you that the more than cautious exercise of such powers by Congress and by others who would use and abuse them, and their strict interpretation by the courts, in view of the constitutional guaranties of life, liberty, and property, afford the only safeguards against the degeneration, by apparently legal methods, of a popular government into the worst of despotisms.

As Members of Congress, it seems to me, we are unfaithful to ourselves and to our obligations and to the citizens whom we represent when we sit by and placidly permit such a disregard and flagrant violation of our inherent and inalienable rights as has been perpetrated by those responsible for the action of the Black investigating committee. The day will come when such wrongs so perpetrated by Congress under a claim of authority will become so serious and will so universally invade and transgress the rights of the citizen that he will be warranted and provoked to exercise the right of revolution as his only means of redress.

I think it was Daniel Webster who in these very Halls was heard to say:

> God grants liberty only to those who love it and are always ready to guard and to defend it. Human agency cannot extinguish it. Like the earth's central fire, it may be smothered for a time; the ocean may overwhelm it; mountains may press it down; but its inherent and unconquerable force will heave both the ocean and the land, and at some time or other, in some place or other, the volcano will break out and flame up to heaven.

The individual citizen is entitled to his rights and to complete protection in all his rights at all times, in all places, and at all hazards. Those responsible for such action as the committee has taken are not entitled to any other or different provision for counsel than is now afforded by law, and moreover, as I said at the outset, their action is, in the last analysis, absolutely indefensible.

Therefore, Mr. Speaker, the action of the committee which we are now asked to condone, by furnishing the means for its defense, must be denounced, not permitted to go uncensured, or remain unrebuked.

Never, so far as I know or can learn, since the days of the infamous writs of assistance, has there been by a committee or Congress such an outrageous violation of the fundamental rights of American citizens. [Applause.]

Mr. RANSLEY. Mr. Speaker, I yield the balance of the time on this side to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, I listened with much interest, as I always do, to the statement made by our colleague, the gentleman from Georgia [Mr. COX]. Whenever he has anything to say, he says it well. But he used 20 minutes today, and I listened to him very carefully, in defending the work of the Black investigating committee over in the Senate. As a matter of fact, whether that committee is doing its work well or not or whether it is exceeding its authority or not, is not within the province of the House to decide. Personally I am not here to criticize or uphold it. I do not think that question is before the House at the present time; the only question before us is whether we will amend the law and let them pay counsel for the Black committee whatever amount they wish.

Mr. COX. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Georgia.

Mr. COX. Of course, I appreciate any compliment that is paid me by the gentleman, but he made reference to my spending the entire time in defending the Black committee. May I ask the gentleman if he really thinks he has made a fair statement in this regard?

Mr. SNELL. As far as that is concerned, I have no criticism to make whatever.

Mr. COX. I was not concerned in defending the Black committee, but in defending the rights, privileges, and prerogatives of the Congress.

Mr. SNELL. Anything the gentleman said in regard to the privileges and prerogatives of the legislative branch of the Government I am in accord with, but it seems to me that is not the question before the House at the present time, and I have not heard that matter disputed, but the gentleman did not say anything about the real question before the House.

Mr. COX. Does the gentleman not concede that there is a fundamental question involved in this proceeding which affects the rights and prerogatives of the House?

Mr. SNELL. I think there is a fundamental principle involved, but I think the gentleman from Georgia, in presenting this rule and in stating the reasons for the consideration of the resolution, should have addressed himself to the principle contained in the resolution rather than spend his entire time in defending the prerogatives of the House and the Black committee.

Mr. Speaker, what was the reason for the passage of the present law limiting sums to be paid to attorneys? Every man in the House who has been here a reasonable length of time knows that this was done because there had grown up a custom of paying unlimited amounts to various special attorneys in connection with these investigations until Congress and the country were shocked at the amounts paid for attorneys' fees. That was the reason for the present law. Personally I was not so much in favor of limiting it to $3,600, but that was the action of the House and of the Senate. The matter originated over in the Senate, as a matter of fact. The reason this legislation was enacted was to rectify some of the mistakes that had grown out of past performances. If that was good law then, why is it not good law now? Why is it that you gentlemen are so anxious to amend this at the present time? Why are you so anxious to increase the salaries at the present time? Have you some special favorite you want to take care of? Those are questions I should like to have someone answer in the few minutes remaining on the other side.

Mr. RANKIN. Will the gentleman yield?

Mr. SNELL. I cannot yield because I do not want the gentleman to take up all of my time.

Mr. Speaker, if there is any reason for the passage of this legislation now pending, why are the Members on that side not absolutely fair, and why should they not come out and say they want to repeal the whole law? If it is good to have it repealed as far as the Black investigation committee is concerned, it is good to have it repealed in regard to all investigation committees of the House and Senate. As far as I am concerned, if you are going to repeal it in one case, it should be repealed in all cases.

Mr. RANKIN. Will the gentleman yield?

Mr. SNELL. No; I cannot yield to the gentleman. I will yield to him a little later, if I have some time remaining.

Mr. Speaker, I notice, in reading the report of the committee, the following statement is made:

> It is important that the Senate committee, as representative of the legislative branch of the Government, be adequately represented by counsel and have the case properly presented to the courts.

Is it not a fact they have counsel at the present time, and is it not a fact that the same counsel who took this job at $3,600 a year, or not to exceed that amount, is the same man who will represent the Senate in advocating their position before the courts?

Mr. RANKIN. Will the gentleman yield?

Mr. SNELL. Wait until I get through.

Here is another proposition: If the same man was willing to take this job a few months ago, why should we increase his salary at the present time? There are many able lawyers on that Senate committee who are amply able to present this case if they need additional counsel, and, as a matter of fact, they started this whole proceeding. They knew what they were doing at the time and they selected their counsel. I suppose they selected him because he was an able man and competent to meet any issue that may arise. I personally know nothing against him.

Mr. RANKIN. Now, Mr. Speaker, will the gentleman yield?

Mr. SNELL. Not yet.

Now, as far as this resolution is concerned, it opens up the whole proposition just exactly the same as it was before we passed the original law, when you make the exception in one case you must make it the next time.

This resolution does not say, as is generally reported, to pay him $10,000; it simply makes $10,000 immediately available. That is the first retainer. They can put the salary up to any limit that the Committee to Audit and Control may pass in the Senate. There is no limit whatever to the amount they can pay if you pass this resolution today.

Mr. RANKIN and Mr. COX rose.

Mr. SNELL. I yield to the gentleman from Mississippi.

Mr. RANKIN. The gentleman from New York knows——

Mr. SNELL. Ask your question.

Mr. RANKIN. Does not the gentleman from New York know that instead of this being for an attorney to represent a committee of investigation it is for an attorney to represent the Senate of the United States before the Supreme Court of the United States, when there will be millions on the other side to back up the attorneys who are attacking the prerogatives of the Congress?

Mr. SNELL. If you pass this rule, and I hope you will not, will you permit an amendment of the joint resolution that no person employed at the present time shall receive this $10,000?

Mr. RANKIN. Will the gentleman——

Mr. SNELL. Answer the question.

Mr. RANKIN. I will answer you with a question.

Mr. SNELL. No; I do not want a question; I want an answer.

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I yield the remainder of my time to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I regret that I shall not have a little longer time to undertake to clarify some of the misconceptions that have been created by rumor and otherwise with reference to this proposition.

There is no legitimate reason why there should be any confusion or misunderstanding with reference to the real issue involved in this resolution which has been reported from the Judiciary Committee of the House and which we are seeking to bring up under this rule, and I want to state it very briefly because it is a simple rule, and in my deliberate opinion, Mr. Speaker, it is the most fundamental and profound issue that has been presented to this Congress since I have been in service in this House, for the reason which I shall presently state.

We have a statute limiting the expenditures to any particular individual, legal or otherwise, to $300 a month. This is the law of the land. It is a limitation put upon a general appropriation bill and stands as a controlling factor in the making of these expenditures.

The Senate of the United States in its wisdom set up an investigating committee to inquire into lobbying activities in this country, and say what you please about it, although there have been some personal controversies that may have been unfortunate, that have arisen in this matter, in my opinion, the results of the investigation of the Black committee have been of profound importance to the Congress of the United States and to the country. [Applause.]

Now, they are still pursuing this investigation and in pursuance of it, certain telegrams were seized which the committee, in its wisdom, thought were necessary to a proper investigation of whether or not undue influences were being exercised upon legislation pending in the Congress of the United States, and Mr. William R. Hearst filed an injunction suit in the District courts here against the investigating committee of the Senate, and this, Mr. Speaker, is the proposition that raises the tremendous importance of the issue now presented and that issue is simply this: Whether or not a District Federal court or any other Federal court shall have the power and jurisdiction by decree, injunction or otherwise, to absolutely destroy the legislative powers of the Congress of the United States. [Applause.]

This is the issue involved here. Mr. Hearst in his bill of complaint, filed by this high-powered and, no doubt, high-paid attorney of his, because Mr. Hearst has untold millions at his command to employ the best legal counsel in the country alleges this in direct terms:

> That Congress is without authority, under the Constitution of the United States, to regulate, interfere with, restrain, restrict, censor, or inquire into the conduct of the business of the press.

The very developments that have taken place in this litigation show that this Congress ought to have continued in it the power to inquire into the activities of the press, for a few days ago the man who sits in front of me, JOHN MCSWAIN, of South Carolina, received such a demonstration as is rarely, if ever, heard here in this House, because this same power of the press, by insidious personal instructions, sought to degrade and intimidate him as a Member of the Congress of the United States. [Applause.]

I want to say to you there is no intention upon the part of this legislative committee to use any private telegrams or to abuse its power. In the last analysis, the Senate committee is a part of the Senate, and the House investigating committee is a part of the House, under the Constitution; and when you raise the issue that Congress is without power to pursue legislation and to investigate all facts legitimately relating to legislation, and give to a Federal district court, or a Federal supreme court, if you please, the right to say that this constitutional power of the Congress of the United States shall not be exercised in its fullest freedom, then you have remaining in this country, not three branches of our Government but only two—the executive and the judicial. [Applause.]

Now, what is the issue here? The real issue is whether or not this man shall be paid adequate compensation to properly defend this great issue before the Supreme Court of the United States, because Mr. Hearst's counsel, in open court, after this decree was rendered, gave notice that they would appeal to the Supreme Court of the United States.

There is the issue, Mr. Speaker, directly presented, of whether or not the judiciary of this country shall usurp the powers of the Congress. I say, as one who respects the dignity and the constitutional prerogatives of this Government of ours, that a lawyer entrusted with this responsibility should be adequately compensated for the purpose of presenting these issues, and the Senate of the United States, a coordinate branch of our Congress, unanimously, Democrats and Republicans, passed this resolution making this exception to existing law.

I hope you will adopt this rule and vote for the bill.

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I yield to the gentleman from New York to offer a resolution.

Mr. O'CONNOR. Mr. Speaker, I offer an amendment to the resolution.

The Clerk read as follows:

Page 1, line 14, insert "It shall be in order, any rule of the House to the contrary notwithstanding, for the chairman of the Committee on Rules to offer an amendment to the Senate joint resolution granting similar authority to the House of Representatives."

Mr. SNELL. Will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. SNELL. Does that amendment come from the Committee on Rules?

Mr. O'CONNOR. Only after consideration in the Committee on Rules where it was discussed, and it was thought that if a question arose as to the authority of a committee of Congress, the House would necessarily be interested in protecting its rights in any determination of the question.

I have taken up the matter with the gentleman from Alabama [Mr. BANKHEAD] and one member of the Committee on the Judiciary, and they agree with my plan to offer an amendment to that effect.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. O'CONNOR. Let me continue. The matter has been thoroughly discussed. When the Senate joint resolution came before the Rules Committee it was apparent that a similar committee of the House was engaged in the same sort of an investigation, and although it might not be necessary, it was thought that it might be well to be prepared to preserve the prerogatives of the House of Representatives, irrespective of any attitude of representatives of the other body.

If the rule is adopted making the bill in order, I propose to offer an amendment to that effect, that the House may protect its own prerogatives independently, if necessary, from another body.

Mr. SNELL. How can the gentleman present an amendment now if it is not a committee amendment?

Mr. O'CONNOR. I am presenting it on my own responsibility, the gentleman from Georgia [Mr. Cox], in charge of the rule, having yielded to me for that purpose.

Mr. SNELL. Then the rule is open for amendment.

Mr. O'CONNOR. The gentleman from Georgia yielded to me for this purpose, to offer an amendment.

Mr. COX. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. HARLAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HARLAN. Is the previous question ordered on the amendment or on the resolution?

The SPEAKER. On both.

Mr. SNELL. How can the previous question apply to both?

The SPEAKER. That was the motion of the gentleman from Georgia.

Mr. MICHENER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. May a Member of the House, a member of the Rules Committee, gain the floor to offer an amendment changing the rule that is privileged without the sanction of the Rules Committee? My thought is that the rule is here because it is privileged, and it can only be here because it has come from the Rules Committee.

The SPEAKER. And it cannot be amended unless the House so votes, but it is certainly within the privilege of any Member, whether he be a member of the Committee on Rules or not, in the absence of the previous question, to move to amend the resolution after it once gets before the House.

Mr. ZIONCHECK. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. How does it happen that the Chair recognizes the gentleman from New York when the gentleman from New York does not even address the Chair?

The SPEAKER. The Chair understood that he had addressed the Chair, or he certainly would not have recognized him.

Mr. BANKHEAD. Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair does not want to be captious about this matter, but the rules provide that a Member who wants to interrupt a Member having the floor shall first address the Chair; and to preserve the dignity of the House, as well as to enforce the rules of the House, the Chair thinks Members should cooperate with the Chair in that respect. [Applause.]

Mr. HARLAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARLAN. There is considerable confusion among Members here as to whether we are voting for the rule or the amendment.

The SPEAKER. The vote will first come upon the amendment.

Mr. HARLAN. And there will be a separate vote upon the rule?

The SPEAKER. A separate vote upon the adoption of the rule.

Mr. SNELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNELL. Mr. Speaker, I have always understood that when a rule is presented on the floor and the Member in charge of the rule opens it up for amendment, that it is then open to amendment on the part of anyone who desires to offer an amendment.

The SPEAKER. That is true, until the previous question has been ordered, and the previous question has here been ordered.

Mr. SNELL. It has now, but when I originally asked the question it had not been ordered. I wanted to offer an amendment.

The SPEAKER. The Chair would have been glad to recognize the gentleman at that time, but the previous question which has been ordered prevents that now.

Mr. SNELL. I know that when a rule is opened up for amendment anybody else can offer an amendment.

The SPEAKER. The gentleman's amendment would have been in order if the previous question had not been ordered, provided the amendment were germane.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now recurs upon the resolution as amended.

The question was taken; and on a division (demanded by Mr. SNELL) there were—ayes 91, noes 93.

Mr. BANKHEAD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 138, answered "present" 2, not voting 142, as follows:

[Roll No. 66]

YEAS—147

Amlie	Doxey	Lambeth	Rogers, N. H.
Ayers	Drewry	Lanham	Rogers, Okla.
Bankhead	Driscoll	Lee, Okla.	Ryan
Barden	Driver	Lewis, Colo.	Sandlin
Biermann	Duffy, N. Y.	Lewis, Md.	Sauthoff
Binderup	Duncan	Luckey	Schneider, Wis.
Bland	Eckert	Ludlow	Schulte
Bolleau	Edmiston	Lundeen	Scott
Boland	Eicher	McCormack	Sears
Brown, Ga.	Ellenbogen	McGehee	Secrest
Buck	Fletcher	McSwain	Shannon
Buckler, Minn.	Frey	Mahon	Sisson
Burch	Fulmer	Mansfield	Smith, Va.
Burdick	Gassaway	Marcantonio	Smith, Wash.
Caldwell	Gehrmann	Martin, Colo.	South
Cannon, Mo.	Gillette	Mason	Spence
Carmichael	Goldsborough	Maverick	Stack
Carpenter	Gray, Ind.	Meeks	Stefan
Cartwright	Green	Miller	Sumners, Tex.
Castellow	Greenwood	Mitchell, Tenn.	Sweeney
Celler	Haines	Moran	Tarver
Chapman	Hancock, N. C.	Murdock	Thom
Colden	Hennings	Nelson	Thomason
Colmer	Hildebrandt	O'Connor	Turner
Cooper, Tenn.	Hill, Ala.	O'Malley	Umstead
Costello	Hill, Samuel B.	O'Neal	Utterback
Cox	Hobbs	Parks	Vinson, Ga.
Creal	Houston	Patman	Vinson, Ky.
Cross, Tex.	Huddleston	Patterson	Wearin
Crosser, Ohio	Hull	Pearson	Whelchel
Crowe	Johnson, Okla.	Pierce	White
Cummings	Johnson, Tex.	Ramsay	Whittington
Daly	Jones	Ramspeck	Williams
Dear	Keller	Rankin	Wood
Dobbins	Kloeb	Rayburn	Woodrum
Dorsey	Kniffin	Reilly	Zimmerman
Doughton	Kvale	Richards	

NAYS—138

Andresen	Duffey, Ohio	Lord	Robertson
Andrews, N. Y.	Ekwall	McClellan	Robinson, Utah
Arends	Engel	McGroarty	Robsion, Ky.
Ashbrook	Englebright	McLean	Rogers, Mass.
Bacharach	Evans	McLeod	Russell
Barry	Fitzpatrick	Maas	Scrugham
Beiter	Focht	Main	Seger
Blackney	Ford, Miss.	Mapes	Shanley
Blanton	Gambrill	Marshall	Short
Bloom	Gearhart	Martin, Mass.	Smith, W. Va.
Boehne	Gifford	May	Snell
Bolton	Gilchrist	Mead	Stubbs
Boylan	Goodwin	Merritt, Conn.	Sullivan
Brewster	Greever	Merritt, N. Y.	Sutphin
Buchanan	Griswold	Michener	Taber
Burnham	Guyer	Millard	Taylor, S. C.
Carlson	Gwynne	Mott	Taylor, Tenn.
Carter	Halleck	O'Connell	Terry
Casey	Hancock, N. Y.	O'Leary	Thompson
Church	Hartley	Palmisano	Thurston
Clark, Idaho	Hess	Parsons	Tinkham
Coffee	Higgins, Conn.	Patton	Tobey
Cole, Md.	Hoffman	Peterson, Ga.	Tolan
Cole, N. Y.	Holmes	Pettengill	Tonry
Cooper, Ohio	Hook	Peyser	Treadway
Crawford	Hope	Pittenger	Turpin
Crowther	Johnson, W. Va.	Plumley	Walter
Culkin	Kahn	Polk	Warren
Cullen	Kennedy, Md.	Powers	Wilson, Pa.
Curley	Kenney	Rabaut	Wolcott
Deen	Kinzer	Ransley	Wolfenden
Dempsey	Knutson	Reece	Wolverton
Dirksen	Kramer	Rich	Woodruff
Dockweiler	Lamneck	Richardson	
Dondero	Lesinski	Risk	

ANSWERED "PRESENT"—2

Cochran	Massingale

NOT VOTING—141

Adair	Disney	Jenckes, Ind.	Pfeifer
Allen	Ditter	Jenkins, Ohio	Quinn
Andrew, Mass.	Doutrich	Kee	Randolph
Bacon	Dunn, Miss.	Kelly	Reed, Ill.
Beam	Dunn, Pa.	Kennedy, N. Y.	Reed, N. Y.
Bell	Eagle	Kerr	Romjue
Berlin	Eaton	Kleberg	Sabath
Boykin	Faddis	Kocialkowski	Sadowski
Brennan	Farley	Kopplemann	Sanders, La.
Brooks	Fenerty	Lambertson	Sanders, Tex.
Brown, Mich.	Ferguson	Larrabee	Schaefer
Buckbee	Fernandez	Lea, Calif.	Schuetz
Buckley, N. Y.	Fiesinger	Lehlbach	Sirovich
Bulwinkle	Fish	Lemke	Smith, Conn.
Cannon, Wis.	Flannagan	Lucas	Snyder, Pa.
Cary	Ford, Calif.	McAndrews	Somers, N. Y.
Cavicchia	Fuller	McFarlane	Starnes
Chandler	Gasque	McGrath	Steagall
Christianson	Gavagan	McKeough	Stewart
Citron	Gildea	McLaughlin	Taylor, Colo.
Claiborne	Gingery	McMillan	Thomas
Clark, N. C.	Granfield	McReynolds	Wadsworth
Collins	Gray, Pa.	Maloney	Wallgren
Connery	Greenway	Mitchell, Ill.	Weaver
Cooley	Gregory	Monaghan	Welch
Corning	Hamlin	Montague	Werner
Cravens	Harlan	Montet	West
Crosby	Hart	Moritz	Wigglesworth
Darden	Harter	Nichols	Wilcox
Darrow	Healey	Norton	Wilson, La.
Delaney	Higgins, Mass.	O'Brien	Withrow
DeRouen	Hill, Knute	O'Day	Young
Dickstein	Hoeppel	Oliver	Zioncheck
Dies	Hollister	Owen	
Dietrich	Imhoff	Perkins	
Dingell	Jacobsen	Peterson, Fla.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. McFarlane (for) with Mr. Corning (against).
Mr. Massingale (for) with Mr. Wadsworth (against).
Mr. Cochran (for) with Mr. Granfield (against).
Mr. Gildea (for) with Mr. Darrow (against).
Mr. Zioncheck (for) with Mr. Allen (against).
Mr. Withrow (for) with Mr. Ditter (against).
Mr. Snyder of Pennsylvania (for) with Mr. Hollister (against).
Mrs. O'Day (for) with Mr. Jenkins of Ohio (against).
Mr. Connery (for) with Mr. McAndrews (against).
Mr. Knute Hill (for) with Mr. O'Brien (against).
Mr. Starnes (for) with Mr. Lehlbach (against).
Mr. Feisinger (for) with Mr. Darden (against).
Mr. Eagle (for) with Mr. Bacon (against).
Mr. Dunn of Mississippi (for) with Mr. Kleberg (against).

General pairs:

Mr. Beam with Mr. Christianson.
Mr. Cooley with Mr. Eaton.
Mr. Dingell with Mr. Lemke.
Mr. Flannagan with Mr. Reed of Illinois.
Mr. Kelly with Mr. Stewart.
Mr. McReynolds with Mr. Wigglesworth.
Mr. Lea of California with Mr. Reed of New York.
Mr. Sabath with Mr. Andrew of Massachusetts.
Mr. Fuller with Mr. Cavicchia.
Mr. Gregory with Mr. Fish.
Mr. Kerr with Mr. Lambertson.
Mr. McMillan with Mr. Buckbee.
Mr. Weaver with Mr. Thomas.
Mr. Taylor of Colorado with Mr. Collins.
Mr. Steagall with Mr. Doutrich.
Mr. Wilcox with Mr. Fenerty.
Mr. Oliver with Mr. Perkins.
Mr. Bulwinkle with Mr. Welch.
Mr. Wallgren with Mr. Faddis.
Mr. Gavagan with Mr. Mitchell of Illinois.
Mr. Ford of California with Mr. Adair.
Mr. Owen with Mr. Claiborne.
Mr. Gasque with Mr. Imhoff.
Mr. Bell with Mr. Pfeifer.
Mr. Schuetz with Mr. McLaughlin.
Mr. Delaney with Mr. Farley.
Mr. Monaghan with Mr. Young.
Mr. McKeough with Mr. Hamlin.
Mr. Disney with Mr. Sadowski.
Mr. Peterson of Florida with Mr. Berlin.
Mr. Harlan with Mr. Boykin.
Mr. Gingery with Mr. Clark of North Carolina.
Mr. Quinn with Mr. DeRouen.
Mr. Kennedy of New York with Mr. McGrath.
Mr. Werner with Mr. Lucas.
Mr. Fernandez with Mr. Sirovich.
Mr. Brennan with Mr. Gray of Pennsylvania.
Mr. Hart with Mr. Randolph.
Mr. Brooks with Mr. Sanders of Louisiana.
Mr. Cravens with Mr. Kocialkowski.
Mr. Smith of Connecticut with Mr. Brown of Michigan.
Mr. Cary with Mr. Harter.
Mr. Jacobsen with Mr. Schaefer.
Mr. Buckley of New York with Mr. Higgins of Massachusetts.
Mr. Chandler with Mr. Kee.
Mr. Dickstein with Mr. Maloney.
Mr. Wilson of Louisiana with Mr. Citron.
Mr. Dies with Mr. Cannon of Wisconsin.
Mrs. Greenway with Mr. Healey.
Mrs. Jenckes of Indiana with Mr. Dietrich.
Mr. Ferguson with Mr. Montet.
Mr. Dunn of Pennsylvania with Mr. West.
Mrs. Norton with Mr. Romjue.
Mr. Moritz with Mr. Nichols.
Mr Larrabee with Mr. Kopplemann.

Mr. COCHRAN. Mr. Speaker, I ask permission to withdraw my vote of "aye" and answer "present", as I am paired with the gentleman from Massachusetts, Mr. GRANFIELD.

Mr. MASSINGALE. Mr. Speaker, I am paired with the gentleman from New York, Mr. WADSWORTH. I was for the bill and voted for it. I notice the gentleman from New York, Mr. WADSWORTH, did not vote. I therefore ask to withdraw my vote and answer "present."

Mr. McREYNOLDS. Mr. Speaker, it was impossible for me to get here in time to vote, and therefore I cannot qualify.

Mr. TAYLOR of Colorado. Mr. Speaker, I just came from a conference committee and did not arrive in time to answer to my name. I therefore cannot qualify.

Mrs. NORTON. Mr. Speaker, I was called to the telephone and did not hear my name called.

The SPEAKER. The gentlewoman from New Jersey does not qualify.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MILLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate joint resolution (S. J. Res. 234) authorizing the Senate Special Committee on Investigation of Lobbying Activities to employ counsel, in connection with certain legal proceedings, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 234, with Mr. MERRITT of New York in the chair.

The Clerk read the title of the Senate joint resolution.

Mr. MILLER. Mr. Chairman, I ask unanimous consent that the first reading of the Senate joint resolution be dispensed with.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MILLER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I realize that there is great concern on the part of some gentlemen with reference to this resolution, but, according to my idea and according to the way I look at the matter, it arises largely because of a misunderstanding of the import of the resolution.

If I may have the attention of the membership, I would like in these few minutes to submit some reasons which, in my opinion, justify the adoption of the resolution.

The resolution in its present form is a special resolution and applicable only to the operation of the Senate committee in the employment of counsel under only one Senate resolution, namely, no. 165. Under the rules the resolution is, of course, subject to amendment, and an amendment will be offered authorizing the House to employ counsel to protect its committees if and when an occasion might arise.

There is this feeling among the membership of the House: First, that there may be excessive fees allowed by the Senate Committee to Audit and Control, if this resolution is adopted. I do not know whether that will be done or not. The fee that may be allowed to the counsel employed for that committee is, under this resolution, subject to being fixed by the Committee of the Senate to Audit and Control, subject, of course, to the appropriation of last year. We have nothing to do with that. Nobody can honestly say what the fee will be unless the House by amendment limits the fee, and I shall at the proper time offer such an amendment. As it now stands, the fee to be paid to the attorney would be fixed by that committee of the Senate.

For my part, I am willing to leave the matter entirely to the Senate, subject to reasonable limitations, to spend the appropriation that is made for its contingent expenses.

There is another matter that has caused some concern to the Members of the House, and that is, some do not approve of the methods adopted by the so-called Black Lobby Investigating Committee. But the question is not whether we approve of the activities of that committee or whether we disapprove of its activities. It is not for me to say whether I condone or whether I disapprove of the activities of that committee. The question that has arisen and the question that is confronting us is, What is the limitation, what is the constitutional limitation of a committee of Congress engaged in investigations for legislative purposes? That is the question which has been raised by the litigation now pending. Some gentlemen have argued—one gentleman from Connecticut, I believe it was, argued that he stood first and foremost for the liberty of the individual citizen. No man wants to see the liberty of an individual infringed. No Member of this House wants to do anything to curtail the liberties of the American people. But we are facing in this litigation these questions—and I say very frankly to you that in my opinion they are the most momentous questions that have confronted Congress in many decades—that is, What is the limitation, what is the constitutional limitation, of a committee of Congress, and when does that limitation come in conflict with the rights of a citizen as guaranteed by the first and fourth amendments to our Constitution? Those are the questions that are involved in this litigation.

The committee, I presume, could obtain counsel at $300 a month to represent it, but the committee does not think it can obtain competent counsel to represent it and properly present these issues to the courts of this country for the sum of $300 per month.

Mr. BANKHEAD and Mr. SNELL rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. MILLER. I yield first to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, one misapprehension about this matter is the impression some gentlemen seem to be under that the attorney employed has been working for the Black committee. He was specially employed for the purpose of defending the committee in this litigation.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. MILLER. I yield.

Mr. SNELL. If he were specially employed for this investigation, he knew at the time he could get only $3,600 a year. Is not this correct?

Mr. MILLER. Under the law that is correct.

Mr. SNELL. If the gentleman took the job with that knowledge, can the gentleman advance any reason why we should increase it at the present time?

Mr. MILLER. I may say in reply to the gentleman from New York that the provision of the present law with regard to expenditures from the contigent fund of the Senate for these purposes reads:

Provided, That no part of this appropriation shall be expended for services, personally, professional, or otherwise, in excess of the rate of $3,600 per year.

The immediately preceding provision deals with employees of investigating committees of the Senate.

I do not know whether the gentleman who has represented the committee in the lower court in the District of Columbia was employed before this upon a monthly basis of $300 to conduct the investigation or whether he was employed to represent the committee in the trial court.

I say to the gentleman from New York, very frankly, that I have serious doubts of any committee of Congress obtaining competent counsel in a suit of this moment, in a suit involving such a great question, at $300 per month. This is my own idea about the matter.

Mr. SNELL. Mr. Chairman, will the gentleman yield further?

Mr. MILLER. I yield.

Mr. SNELL. I am not going to argue the question with the gentleman, because I was not one of those who was very anxious for the original law, but the situation which confronts us is that this committee has employed a man and he is working for this salary.

Mr. BANKHEAD. Mr. Chairman, if the gentleman from Arkansas will yield——

Mr. MILLER. I yield.

Mr. BANKHEAD. The gentleman from New York is laboring under a misrepresentation; he was employed to represent the committee in this litigation.

Mr. SNELL. In the trial of this particular litigation?

Mr. MILLER. Yes; that is all; and unless this resolution goes through, the committee will be bound by the limitation. I imagine he then would abandon the case.

Mr. SNELL. Did not the chairman of the committee know the provisions of the law? Does not the gentleman suppose the chairman of the committee told this attorney of the limitation?

Mr. MILLER. Be that as it may, Mr. Chairman, the situation is that a branch of this Congress, the Senate, has adopted this resolution asking authority to expend its own contingent fund. For what purpose? For the purpose of obtaining a decision upon a constitutional question that not only affects the power of Congress but also vitally affects the liberty of American citizens. [Applause.] That is what it does. Do not we, as a matter of fact, owe the Senate the comity of giving it authority to use its own judgment in the employment of counsel, especially when they are undertaking to settle a question of such moment as that involved here? [Applause.] Individual citizens, in the exercise of their constitutional rights, must be protected against unlawful search of their files, papers, and documents. On the other hand, Congress, acting through its committees, must know what its limitations are when acting in good faith and for legislative purposes. If citizens, under the claim of constitutional immunity, can wantonly withhold from Congress information that is essential for the Congress to have in order that it may legislate for the benefit of all the people and protect them from organized wealth, greed, and avarice, then the Constitution has become an instrument of oppression in the hands of the rich and powerful. I believe that the Constitution is still a charter of liberty for us all and especially the average citizen, and for those reasons I want the questions involved in this litigation properly presented to the Supreme Court.

Mr. HOLLISTER. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. KAHN].

Mrs. KAHN. In this 1 minute of time, Mr. Chairman, I wish to ask the gentleman from Arkansas if he knows how much they paid Mr. Pecora, who ranks as one of the greatest investigators in the country?

Mr. MILLER. Answering the gentlewoman from California, he was paid $300 per month. His service was that of an investigator and not of an attorney presenting a case to the court.

Mrs. KAHN. He certainly ranks high as an attorney and as certainly ranks high as an investigator; yet he worked for $300 a month.

Mr. MILLER. I understand he is a very able lawyer; but the Congress ought to be able to match dollars with such men as Mr. Hearst, and this is involved in this question.

Mrs. KAHN. I do not think the question involved is one of personalities.

Mr. MILLER. I do not either.

Mrs. KAHN. It is a question of employing an attorney and what his compensation should be. It will help us in deciding this to know what other lawyers, whose reputation as attorneys and investigators is as great or greater than the reputation of the gentleman in question, were willing to serve for in other cases.

Mr. HANCOCK of New York. Mr. Chairman, I yield myself 1 minute to ask the gentleman from Arkansas [Mr. MILLER] a question.

Does the gentleman think it is good policy to give this Senate investigating committee a blank check to fill in with any sum it may see fit without any limitation whatever?

Mr. MILLER. I think that any great committee, either of the House or of the Senate, can be trusted to preserve the funds that are appropriated for the special use of that committee.

Mr. HANCOCK of New York. We have had some rather bad experiences in giving blank checks to various executive departments. Personally I do not think we should trust any committee with a blank check, with power to fill in the amount without any limitation, and I do not think the gentleman does, either.

Mr. MILLER. I do not want to do that; but I am not afraid to trust any committee that may be set up by either body.

[Here the gavel fell.]

Mr. HANCOCK of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am one of those who deeply appreciate the work which the Black committee has been doing for the people of the United States in breaking the power of unlawful monopolies.

But I helped to pass a law with my vote which limits the pay of such attorneys to $3,600 a year, both in the House and in the Senate. If this were just a proposition of one exception to the rule, I would consider it favorably. I would go along with my committee and follow the judgment of our majority leader. But this is not merely a question of one exception to the rule and to the law. This is not merely the exception of paying a good attorney in one case what probably he may earn. If you read this resolution, which was read here by the distinguished gentleman from New York [Mr. TABER], you will see that it is wide open and as broad as is the contingent fund of the United States Senate, and it might mean a fee of $50,000.

And, to make it worse, the distinguished gentleman from New York, the chairman of the Rules Committee, has caused to be passed an amendment to the rule which will make in order an amendment which he intends to offer, which unwise amendment might pass. His amendment will repeal the law in effect with respect to $3,600, both as to the House and Senate. It will do away with the law which this House in its calm judgment and in a sedate manner passed, and it should have been passed, because when you adopt the O'Connor amendment and when you adopt the resolution you leave it wide open in the Senate and wide open in the House, so far as the judgment of the committees may be concerned. Mark my word, there will be exceptions that will arise. There will be some great big astonishing fees paid to lawyers that you will not approve, all because you have opened the door.

Mr. Chairman, I am not going to vote for any more laws that are against my judgment. I am responsible for my vote here to the people who sent me to represent them. The time has come when I am going to quit voting for things that do not appeal to me, and this resolution does not appeal to me. I hate to go against my chairman and my majority leader. I hate to go against those who brought this bill in here for consideration. I hate to be placed in an apparent attitude of preventing the Black committee from paying as much as it deems necessary to pay to a lawyer to fight a proposition against someone that probably ought to have all the instrumentalities of the courts arraigned against his proposal. This is an unwise change. This is a wise law and an unwise effort to repeal it.

What are we going to do? Just because we are friends of Senator BLACK, just because we are friends of our good leader the gentleman from Alabama [Mr. BANKHEAD], and just because we are friends of the chairman of the Committee on Rules, are we going to vote for something that leaves this matter wide open? Are we going to vote for something that does away with the good judgment and wise action of the House when they put a proper limitation on this amount? I am not going to do it. [Applause.]

Let me show you something about the vote of this House on the rule. Usually Members do not vote against a rule unless they have some reason for doing so. Did you know this rule passed by only about 8 votes? Is that not astonishing? It shows that deep down in the hearts of the membership of the House they do not believe in opening this thing up and leaving it wide open.

I have voted for many rules when I did not expect to vote for the resolution that followed and you have done it also. It may be the case that there are Members here who did not see fit to vote against the rule who expect to vote against the resolution. On a close question like that it shows that in the hearts and judgment of the membership there are a great many Members here who do not believe in this proposition and it therefore ought to be defeated.

Mr. WARREN. Will the gentleman yield?

Mr. BLANTON. I yield to one of the most valuable Members of this House.

Mr. WARREN. I think the gentleman should emphasize the reason for the passage of the present law. It was passed, as I recall, 3 years ago, and not over 10 or 15 Members of the House voted against it. It was passed because the House was outraged over some of the shocking fees paid by investigating committees to attorneys and employees. [Applause.]

Mr. BLANTON. Mr. Chairman, I wish all the people of the United States knew what good work the distinguished chairman of our Committee on Accounts [Mr. WARREN] has done since becoming chairman of that committee. He has saved a great amount of money from being wasted. He has saved millions of dollars. There never has been a wiser statement made on this floor than the one which the gentleman has just made. We passed that law because we felt outraged at the great sums of money that had been spent. A newspaper intimated this afternoon that probably another body is going to bring in a verdict of not guilty against a judge who has allowed a great big fee of $75,000.

Mr. RANKIN. Mr. Chairman, I make the point of order that the gentleman has no right to attack the Senate of the United States on the floor of the House.

Mr. BLANTON. I am not attacking the Senate.

Mr. RANKIN. The gentleman is attacking the Senate of the United States, and I make the point of order he is out of order.

Mr. BLANTON. I know the rules of the House.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] will proceed in order.

Mr. BLANTON. Mr. Chairman, it has been stated here that we can depend on the Senate and its committees not to pay enormous fees. If it is even possible that a body

upholds a $75,000 fee as a reasonable fee, with part of it going back to the judge who allowed the fee, I do not know whether we could depend absolutely upon the good judgment and the wise provisions of that body in arranging fees.

Now, I am going to vote my honest-to-God judgment in this matter. I am going to vote against this proposition, in spite of the fact I am a friend of every man connected with it, in spite of the fact I am a good friend of Senator BLACK, in spite of the fact I take off my hat to him and his committee for their splendid work. I am going to vote against it because I am not going to vote to repeal the law we passed fixing $3,600 as the maximum fee either House should pay attorneys.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER.]

Mr. CELLER. Mr. Chairman, I fear the gentleman from Texas [Mr. BLANTON] has given a somewhat erroneous impression. This bill does not take away one iota from the bill we passed several years ago limiting counsel fees to $300 per month. All that it does is to make an exception of this case, and why should we make the exception? We must make it because this is a very momentous question which the Supreme Court will have to pass upon. It is a question that involves the integrity and powers of this House as well as of the other Chamber.

The question to be determined is just this: What are the rights of the investigating committees in either Chamber? I would have wished that the question had not come up. I believe the distinguished chairman of the investigating committee of the Senate, with his colleagues, has done some effective work; but most assuredly some of the actions of these Senators deserve severe rebuke. They are not blameless. The committee's chairman, a worthy, energetic, and sincere gentleman, is guilty, nevertheless, of some grievous wrongs, and had he not conducted himself in the way that he did, subjecting himself to very serious criticism, and justifiable criticism, throughout the length and breadth of the land, this question would have never arisen and we would have been better off for it; but the question having arisen, let us not be penny-wise and pound-foolish. This question will necessitate the employment of the best legal talent in the United States.

Forgive me for saying it, and I am not a crystal gazer, but I believe the question will be determined not in our favor but against us, but nevertheless, in common parlance, we should have a run for our money. We must get the best lawyer in the land to defend our rights, whatever those rights and privileges may be.

I do not know anything about the talent or the ability of the gentleman who may have been the former partner of the distinguished Senator from Alabama. I hope he will rise to necessities of the case and be able to meet squarely and adequately and successfully the momentous issues raised by the very able attorneys on the other side; but I repeat, let us not be penny-wise and pound-foolish and limit counsel fees to the pecunious sum of $300 a month. That amount is ridiculous. I may say to the distinguished gentlewoman from California that it was shockingly indecent, if I may use that term, to pay that ridiculous fee to a distinguished attorney like Ferdinand Pecora, who is now a justice of our Supreme Court of New York. He was worth $100,000 of our money, and we should not be so ridiculously economical when it comes to hiring an attorney in a case as important as this one shall be. This bill calls for a legal fee of $10,000. Let us agree to it.

Mr. HANCOCK of New York. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. HANCOCK of New York. I agree with the gentleman that the attorney employed in this case must prepare a brief and submit an argument, and it must be well done, because the question involved is a very important one; but does the gentleman think that any great amount of work is involved? Can the gentleman give us some estimate of his idea of what a proper fee would be for preparing such a brief and delivering such an argument?

Mr. CELLER. That is a rather difficult question to answer, and I would be willing to leave it to the distinguished and responsible members of the Senate committee to pay upward of $50,000 to defend this case and defend our rights. Surely, fees are difficult to gage or fix. There is no definite yardstick.

Mr. HANCOCK of New York. The gentleman has the usual ideas of a New York lawyer. We country lawyers think $10,000 is a rather substantial retainer.

Mr. CELLER. No two men could agree as to a proper fee. What is one man's meat is another man's poison.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Alabama.

Mr. BANKHEAD. Some question has been raised about the right of this Senate committee to pay more than $10,000 for this employment. I may say it would be perfectly agreeable to the friends of the bill—and I would suggest that such an amendment be offered—to absolutely limit the maximum amount that may be paid for this purpose to $10,000, as named in the resolution. This is all that was ever intended to be used.

Mr. CELLER. I thank the gentleman. I may say to the Members of the House with reference to what has been done by the chairman of this investigating committee that he has in his zeal to do good committed several indiscretions. He has impinged upon the constitutional rights of citizens. He has interfered with the right of petition and invaded freedom of press. His committee has raised a question which need not have been raised. But the question is now before the country. We cannot shy away from it. We must meet the issue squarely. We must pay for the privilege.

This investigating committee of the other Chamber made intemperate use of the blanket subpena of personal telegrams and demands for personal papers at wholesale, covering 6 months of time, without regard to their sufficiency, competency, or relevancy to the inquiry. Let us not forget the infamous writs of assistance of prerevolutionary days. Wholesale use of the subpena often can be made an instrument of oppression.

It was to cure such arbitrary power that the fourth amendment was adopted protecting the citizen against unwarranted searches and seizures.

It is not the breaking of doors and rummaging of drawers that constitute the essence of offense, but it is the invasion of the citizens, rights of personal security, personal liberty, and private property that is involved in the wholesale seizure of these telegrams.

I care not whether a well-known Chicago lawyer is implicated. It matters not whether a newspaper owner is implicated. I deplore the committee's action, regardless of personalities.

That committee made public some of the telegrams that had nothing, for example, to do with its inquiry. It had no right to do that. Seizure of 5,000,000 telegrams—nearly all private—has created intense feeling. We cannot disregard such action, such resultant feeling. I fervently hope that this Senate committee will not repeat such actions. I am sure it will not.

It has depended on the Judiciary Committee of the House to point out these wrongs and remind those on the other side of the Chamber that we have a fourth amendment and a first amendment to the Constitution guaranteeing privacy in one's papers and documents, and guaranteeing the right of petition.

Mr. TABER. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. TABER. Does the gentleman know whether it is true or not that the gentleman in charge of this particular legislation came to Washington to work for a department within the last 2 months at a compensation of $5,000 a year?

Mr. CELLER. Well, that is beside the point. I do not care whether he has done that or not. I would give to the

committee on the other side of the House the right to employ adequate counsel for $10,000 a year.

While I am on that subject I want to remind the House of what the Supreme Court said about the fourth amendment, and it could be well applied to this wholesale seizure of papers.

The Supreme Court said, speaking of the fourth amendment:

> Its principles reach further than the concrete form of any case before the Court. They apply to all invasions on the part of the Government of the sanctity of a man's home and privacies of life.

I emphasize "all invasions." I cannot see any real difference between the Supreme Court standing between a citizen and the President of the United States and the right to have the Supreme Court to stand between the right of the citizen and the legislative branch of the Government. It is my opinion that the Supreme Court must guard not only against excesses of the executive branch but protect against excesses of the legislative branch as well.

As far as the Constitution is concerned, the citizens' rights must be protected and preserved not only as against the administrative officials but as against Members of Congress. Espionage, spying à la Mussolini or George III, must be guarded against no matter what its source.

Commandeering private papers by the ton cannot be excused by the assertion that private wires are no longer private if they refer to public matters.

It is no excuse to say that the Senate may need them for future use. It cannot need 5,000,000 telegrams.

Has the Supreme Court power to review the actions of the Senate committee? I repeat, it has. Thank God for the wisdom of the fathers. The Constitution said it has.

Article III of the Constitution says, "The judicial power shall extend to all cases in law and equity arising under the Constitution." Thus, a court of equity has power to restrain unconstitutional acts of an executive officer. Why not acts of a legislative officer. Otherwise a House or Senate committee would become court and jury, passing upon its own acts. They would always be right. That is how dictators are born. They are always right. [Applause.]

Mr. MICHENER. Mr. Chairman, on behalf of the gentleman from New York [Mr. HANCOCK], I yield myself 5 minutes.

Mr. Chairman, This is an important question. It is especially important because this Congress, after considerate and deliberate action but a few months ago, determined upon a policy. It determined upon that policy because of the abuses of committees in matters of this kind. Very important investigations have been conducted since that policy was determined upon, but never before did the occasion arise when we were asked to make an exception in behalf of any particular lawyer. We are told that we should have able counsel, and that this committee should have able counsel. I agree with that statement, but it seems to me that it might have been better, in view of all that has transpired, had able counsel been employed earlier in the committee proceedings. If that course had been pursued, possibly there would be no proceedings in the courts at this time. I think I am in harmony with a large majority in this body when I emphatically disapprove of the attitude of the Black committee in its unwarranted meddling with private telegrams sent to and from Members of Congress. To inspect telegrams dealing with a certain subject is one thing, but for the committee to wrap around itself the cloak of authority and proceed to take over en masse all telegrams sent by and sent to Members of Congress from all sources during a given period is not only unreasonable and unfair but is tyranny. It seems to me that no liberty-loving individual will approve of that type of investigation, whether it be by a committee of the Senate or a committee of the House. Nevertheless, that is not the question before the Congress at this time.

While the committee may have transgressed all rules of propriety in this particular, and while its activities have been halted by the courts, and while it now wants counsel to defend its action, yet it seems to me that it is entitled to no other or different consideration than like committees doing like inquisitorial work. We should either repeal the provision of the law limiting the amount which can be paid for committee counsel, or we should accept the law as it is. There is no legitimate excuse for making an exception in this particular case.

I do not know whether this lawyer has been employed in the departments for $5,000 a year or not. The gentleman from Alabama [Mr. BANKHEAD] would know that, and what he says will be the truth about the matter. I am pleased to yield to him for a statement in this regard.

Mr. BANKHEAD. Mr. Chairman, I think the statement made by the gentleman from New York [Mr. TABER] to that effect is entirely gratuitous and without any foundation in fact, because Senator BLACK informed me that Mr. Harris was practicing law in Birmingham, Ala., when he was engaged to take care of this particular litigation only a few weeks ago.

Mr. MICHENER. I am glad to hear that, and I know it is so or the gentleman would not say so.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I do not yield to the gentleman from Mississippi.

The gentleman from Texas [Mr. BLANTON], in his speech today, tells us—and I am sure we are all glad to hear it—that, commencing today, he is going to vote his judgment on these matters; that he is not going to be controlled by the leadership or by anyone else in the future, and that from now on he is going to use his judgment and he is not going to stand for anything of this kind. That is a splendid resolution and I am sure that we all look forward to seeing the gentleman from Texas live up to the resolution.

The limitation placed upon the amount of money that might be expended by these investigating committees was determined upon after full debate and careful consideration. The limit was fixed at thirty-six hundred dollars a year, and the Black committee has been proceeding with full knowledge of this limitation. The gentleman who has been employed as counsel by the Black committee for the purpose of handling this matter in question is on the job. He is doing the work, with a full knowledge that his compensation cannot exceed $300 a month. If this man is doing the work and was willing to accept the task under these circumstances, then I know of no reason why the Congress should at this time voluntarily increase his compensation out of all proportion to compensation paid by other committees for like service.

Investigator Pecora did a splendid work in the last Congress. All recognize his ability and accomplishments, as well as the possible monetary sacrifice made by him while he was doing that particular work. Yet he received but $300 a month.

Employment of this type is rewarded in several ways: First, the monetary compensation received; second, the publicity and benefit to future practice; and, third, the satisfaction of rendering a service to one's government. The third factor is the one that usually inspires the best service, and as a rule gets the most capable and patriotic counsel.

In short, the Congress should either abolish the limitation and leave the matter of employment of counsel entirely in the discretion of the committee, or to be determined in each specific case, as the occasion arises. The Black committee is entitled to no more consideration than any other investigating committee at this time.

I do not believe that this resolution will pass the House today. This should not be a partisan question, and this precedent should not be established. If it is established we may fully expect other committees to ask like consideration.

The question of counsel or attorneys for the Government, its agencies, and the committees of Congress, is most important at this particular time. I say this in view of the fact that, as a member of the Judiciary Committee, I know we have had several bills before us of late making exceptions so that former attorneys on the part of the Government might be employed in specific pending cases. That is, attorneys come to Washington, accept appointment on the part of the Government, serve for a time, and possibly until they become way-wise in Washington and familiar with the departments.

Thereupon they resign their positions with the Government, paying possibly $3,600 a year, enter into private practice, and then seek employment as special counsel to carry on cases with which they became familiar while in the Government service. Their services become very valuable when the Government wants to hire them back as special counsel. I am opposed to all of these exceptions and exemptions, and naturally oppose this resolution which is now before us.

In conclusion let me urge upon the House the necessity of pursuing the economy of the present law, and I believe we can do this with the full knowledge that the Black committee or any other committee will not want for proper counsel in these important matters. We are dealing fairly with all of our committees, and if I am correct in this statement, then the Black committee should have every consideration granted to other committees, but no more consideration.

It seems unthinkable that this resolution should make it possible for this committee to pay as much as $50,000 for this special counsel. Yet, under the resolution as it is brought before us today, that is the fact. In saying this I am not reflecting upon the judgment of the Auditing Committee in the Senate, but I just want to make it easy for that committee to keep within the bounds of reason and within the scope of the taxpayers' pocketbooks when hiring special counsel and assistants in these inquisitorial matters. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HANCOCK of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, if we assume that everything the Black committee has done is right, and let us assume that if we may, then we might turn our thoughts for a moment to the proposition that is before us, which is a question of whether the legislation heretofore passed to prevent waste and extravagance should be followed or whether we should go back to the old practice of using these appointments of attorneys for political purposes, and paying the attorneys a fee, the amount determined, perhaps, by the political prominence of the appointee rather than by his legal ability. If the gentleman from Alabama [Mr. BANKHEAD], the distinguished leader of the majority, is right as a matter of principle, then there is no reason why we should have an amendment limiting the fee to $10,000, because every lawyer in the House will concede that that fee would not be adequate compensation for properly preparing and presenting the question which we are told is involved. We know that the Supreme Court has been criticized by gentlemen on both sides, only, however, when that decision went contrary to some preconceived notion that the critic held. It is recalled that the gentleman here who has spoken so often in opposition to the power companies came in one day with a smile all over his face and announced with great satisfaction the Supreme Court's decision on the T. V. A., and for 1 day, at least, that Court was, in his opinion, a wonderful body of "grand old men", supreme in their wisdom, sound in their judgment.

We forget sometimes about the Supreme Court. I could not help but think, when the gentleman criticized the Supreme Court so severely, of the Scottsboro case. I do not recall whether it is twice or three times—twice, at least—has that case been to the United States Supreme Court. Each time that Court has held that the defendant—poor, without influential political friends—was entitled to a trial in accordance with the law of the land—upheld the legend over the doorway of that beautiful building: "Equal justice under law."

I do not know of any corporation or any Wall Street or any international bankers or anyone else with money who was interested in that case, but the Court nevertheless protected the constitutional right of those colored men. I have never observed any anxiety or desire on the part of any court to curtail the right of Congress or attempt to take away any of our powers. There are many judges in this body—circuit court judges, judges of the supreme courts of the States. The gentleman from Oregon [Mr. EKWALL], a distinguished jurist, is among those judges who usually decline, very properly, to hold unconstitutional any law when that result can be avoided, always upholding legislation and acts of Congress when it is possible. So in this case, if we submitted this proposition to the Supreme Court, if there is involved a question of the gravity which the gentleman suggests, do you think for a moment that that Court would curtail the rights of Congress or attempt to take any of our powers? There is nothing in its history that indicates that. So, as far as I am concerned, we might trust our case with almost any lawyer; even a lawyer of the House might handle the matter and get by with it. [Laughter.] The Court, that safeguard of our liberties, would protect this Congress from assaults of outsiders, as it has so recently found it necessary to protect us from ourselves. If I understand correctly, this gentleman came here and accepted certain employment. He knew what the fee was. He is not a welcher. Are we not insulting him by intimating that he ought to go back on his bargain? I do not want to talk politics, but I am sure he recognizes an implied contract.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield for a question.

Mr. FULLER. The gentleman is a member of the Townsend Investigating Committee, is he not?

Mr. HOFFMAN. Yes.

Mr. FULLER. And that committee is bound by law to not pay an attorney more than $300 a month?

Mr. HOFFMAN. That is right.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

Mr. HANCOCK of New York. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. FULLER. As a member of the Real Estate Bond Investigating Committee——

Mr. HOFFMAN. Now, Mr. Chairman, I want to talk. The gentleman from Arkansas can get some time after while and tell us about the King of England.

Mr. FULLER. I am trying to help the gentleman out.

Mr. HOFFMAN. The trouble is I would rather have my friend from Texas [Mr. BLANTON] help me out, but I am thankful for the suggestion. This Townsend committee was given something like $50,000.

Mr. FULLER. But I was talking about the Bond Investigation Committee.

Mr. HOFFMAN. Oh, I am talking about the Townsend committee. The first thing I did was to try to limit the expenditure of that money to $10,000. Then we tried to get a plan so that we were not spending more than we knew about as we went along. Now, what have we there? The first thing we have a bunch of investigators out in the field, and what do they want? Are they content to take $300 a month? They all knew when they started that that was the salary. If we change the rule here, they will want more money. The same with the attorneys. That is what I am worrying about.

Let us assume first that the Black committee is all right in every single respect, both in purpose and method. Some of the Members on the Republican side will not agree, but let me be with you Democrats for a few moments and for argument let us assume that to be the fact. If you want to establish this precedent, you will have this Townsend committee and every other committee here asking for more money. You do not want that. So why break the rule here?

Mr. FULLER. I am with the gentleman.

Mr. HOFFMAN. And so are three or four more. You know we are right on this; there should be no political aspect to it. Let us hold to the rule, the law, because if we change it our accountants, our bookkeepers, our reporters, our investigators, all of them, as well as the attorneys, will be wanting more money. Surely, in an administration, in a great party, that believes so much in doing something for the Government, so much for the "under dog", there ought to be a few lawyers scattered along the road who are willing to donate a little of their time and ability to protect even this Congress. I am sure even the Liberty League would furnish a lawyer if there are no real Democrats who want to render this service for the good of the cause. Many attorneys of recognized ability and standing would welcome

the occasion, because of the honor conferred and the opportunity to serve. [Applause and laughter.]

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. MILLER. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, the gentleman from Michigan, who has just spoken, seems to throw bouquets at the Supreme Court, but at the same time he is opposed to giving the Senate the power to bring this case properly before the Supreme Court. But he is a new man. He does not know the history of Congress, and especially of his own party on such matters.

His colleague from Michigan [Mr. MICHENER] does know. I remember in a former administration when they took lawyers in the Shipping Board who were drawing $2,500 to $3,500 a year and raised their salaries to $35,000 a year, by a roll call. If you desire it, I will insert some of those roll calls in the RECORD to show you where your side of the House did that very thing over the opposition of Members on the Democratic side.

Now, I want to say a word about the Black committee in the Senate. I believe it has done more for the American people than any other investigating committee I have ever known. It is doing more now. As far as I am individually concerned, I am for the Black committee, and I hope they will continue the splendid work they are now doing.

This is one of the most vital questions that has ever come before the Congress. It is one that goes to the very root of the prerogatives of Congress itself.

Throughout the length and breadth of the land already selfish interests are rushing into court and enjoining the executive departments of this Government. In every State of this Union they are using the courts in an effort to block the will of the Government. But this is the first time they have ever been brazen enough to attempt to enjoin and paralyze the Congress of the United States.

Let us think about this amount of $10,000. How much do you suppose the lawyers on the other side will get? We found in the T. V. A. case one lawyer standing before the courts, misleading the lower court, showing that the money for their fees was contributed by interested stockholders when he knew at the time that $50,000 had been contributed by one holding company and that did not even operate in the States.

The lawyer appearing for the Black committee in this case is representing the American people in one of the most vital issues that has ever come before any court; that is, whether the Congress of the United States shall continue to function as the representatives of the American people or shall be paralyzed by some petty court at the instance of some selfish interest that is prostituting the functions of a public utility.

You say you are going to try to hold this man down, to require him to represent us before the Supreme Court of the United States for $3,600, when on the other side there will be millions of dollars, when on the other side the fees of the attorneys will reach into the hundreds of thousands of dollars, employed for what purpose? Employed in order that they may paralyze the Congress and the Senate of the United States and in this way exercise the powers of government.

You may take your choice; but I tell you now you are voting upon one of the most important questions you will ever face, and one the American people will not forget. It is a question of whether you want to surrender the prerogatives of the House and Senate and capitulate to outside selfish interests, or vote this money for a competent attorney to represent the American people before the Supreme Court of the United States. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. MICHENER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. MILLER. Mr. Chairman, I yield the remainder of my time to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, I agree with what has been said, indicating the judgment of the Members that this is a very important matter we are now considering. It is a very simple one, however. As I see the proposition before the Committee today, it is not whether we agree or disagree with the policy of the Black committee; it is not whether we believe or do not believe the Black committee has exceeded the bounds of propriety. We are dealing now with the matter of the contemplated construction of the constitutional powers of the Houses of Congress, the legislative branch of the Government. As I view it, and I believe I have myself properly located in the matter, it would not make any difference to me whether this matter came from a committee with regard to whose work I agreed or did not agree, whether it came from a Democratic or a Republican administration. Those of us now in the House and the Senate are the guardians of the power of the Houses of the Congress.

The question to be decided by the Supreme Court will not deal with the controversy of the Black committee merely; that will fade into insignificance; the decision in this case will have an effect for all time as long as the Government lasts. Let us be candid about it. The question is whether or not we want this question properly presented to the Supreme Court for that body to pass upon. That is all there is in it.

Nobody knows what fate or fortune may bring in the political history of this country; nobody knows who will be in power in the next administration or the administration after that, or what may be future developments; but we all know that if under the Constitution the Houses of Congress possess a power we ought not to surrender by a failure properly to meet the challenge of its existence. Am I not right? The question to be determined is whether under the Constitution the legislative branch of the Government possesses a certain power.

[Here the gavel fell.]

Mr. HOLLISTER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Texas.

Mr. SUMNERS of Texas. I shall hurry along. The sole question is whether we want the Supreme Court, by a proper presentation, to be given a full and fair opportunity properly to pass on the question. I think everybody does. In order that this may be done, that the question of the power of the legislative branch of the Government may be properly presented to the Supreme Court, it must be handled by a man of real ability; and I think it is the practical experience of all of us that a $300-a-month man is not the proper man to present the subject to the Supreme Court.

Mr. FULLER. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Arkansas.

Mr. FULLER. Why not restrict this to $5,000 instead of $10,000? We are appropriating money for various uses and allowing them to throw it away.

Mr. SUMNERS of Texas. I agree with the gentleman.

Mr. FULLER. Then why not amend the bill?

Mr. SUMNERS of Texas. Mr. Chairman, this other matter should be considered. Here is the Senate, one of the legislative Houses, conducting an investigation. By this bill they send what amounts to a request to the House of Representatives to enable them to hire a man at not exceeding $10,000 a year to present this matter to the Supreme Court. I agree with the gentleman, and we are going to have an amendment offered making it clear that this shall not exceed an allowance of $10,000 a year to an individual and not cover any further ground.

Mr. MILLARD. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New York.

Mr. MILLARD. There is a momentous question involved here. We have an Attorney General with an able staff. Why should they not intervene to protect our rights?

Mr. SUMNERS of Texas. I do not know.

Mr. BLANTON. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. BLANTON. Then the clarifying amendment will change this law threefold, and instead of making it $3,600 per annum there will be an increased salary limit of $10,000?

Mr. SUMNERS of Texas. Yes; that is right.

Mr. BLANTON. That is too big a jump in salary raise all at once.

Mr. TOBEY. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New Hampshire.

Mr. TOBEY. The gentleman has manifested by his remarks that he is opposed to this restriction in the present statute of $300 a month, and he bases his argument on that fact. Why does not the gentleman bring in a bill to repeal the existing law and present that bill on its merits?

Mr. SUMNERS of Texas. This is not on ordinary employment; it is a proposal to authorize an appropriation as requested by the Senate of $10,000 to represent the legislative branch of the Government in the presentation of an important matter to the Supreme Court.

[Here the gavel fell.]

Mr. HANCOCK of New York. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, it seems to me that this resolution and the question involved here is a little different from what has been heretofore discussed. We have before us a resolution that is absolutely wide open and without any limit as to amount. It is absolutely unnecessary, and the proof of that fact is that the man is already working for this committee. He is the man they have picked, and he is already working for the sum which they are authorized to pay. Other able lawyers have accepted work from these committees for what they are authorized to pay. There is no question but what they can go out and present their arguments and get through with this matter without the appropriation of any more money than is presently authorized. But to bring in a resolution here that is wide open, where they can fix the pay at any figure they see fit, is absolutely ridiculous, to my mind, and I do not believe that the Senate joint resolution ought to be passed.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the Senate joint resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the Senate committee acting under Senate Resolution 165 of the Seventy-fourth Congress is hereby authorized to employ counsel to represent the said Senate committee and the Senate in connection with legal proceedings relative to the powers of the Congress of the United States growing out of legal proceedings instituted in the court to restrain actions of the said Senate committee in connection with the performance of its duties, the total compensation for such legal services to be fixed by the Senate Committee to Audit and Control the Contingent Expenses of the Senate, and the payment of other expenses necessarily incurred in connection with said litigation to be approved by the said Committee to Audit and Control the Contingent Expenses of the Senate, $10,000 to be immediately available from the contingent fund of the Senate under this joint resolution and to remain available until June 30, 1937.

Mr. MILLER. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MILLER: On page 2, line 1, after the word "services", insert "not to exceed the total sum of $10,000 for such services."

Also, beginning with the last word "and", in line 2, strike out lines 3, 4, 5, and line 6 to the dollar sign.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the resolution be read as amended by the amendment just offered by the gentleman from Arkansas.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Resolved, etc., That the Senate committee, acting under Senate Resolution 165 of the Seventy-fourth Congress, is hereby authorized to employ counsel to represent the said Senate committee and the Senate in connection with legal proceedings relative to the powers of the Congress of the United States growing out of legal proceedings instituted in the court to restrain actions of the said Senate committee in connection with the performance of its duties, the total compensation for such legal services not to exceed the total sum of $10,000 for such services, to be fixed by the Senate Committee to Audit and Control the Contingent Expenses of the Senate, $10,000 to be immediately available from the contingent fund of the Senate under this joint resolution and to remain available until June 30, 1937.

The CHAIRMAN. The gentleman from Arkansas [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER. Mr. Chairman, the effect of this amendment is to limit the authority of the Senate Committee to Audit and Control the Contingent Expenses of the Senate to the payment of the sum of $10,000 for legal services in representing the committee in the courts in connection with the litigation that grows out of the investigation under Senate Resolution 165. Not to exceed $10,000 may be paid to attorneys to represent that committee in litigation that grows out of its activities under Senate Resolution 165.

This is all the amendment does. You will note we also strike out the rest of the language dealing with contingent expenses. This evidently would restore and leave the $3,600 provision intact for auditors and such other incidental expenses as may be necessary, but so far as the fixing of legal fees or maximum fees may be concerned, it can only be $10,000 for such services in this particular litigation.

Now, the argument has been made, Mr. Chairman, by learned gentlemen that under the resolution as presented it is wide open. I want to call attention to the provision of the original resolution. The only change that is made in existing law is with respect to the operations of the committee under Senate Resolution 165, and it does not apply to the operations of other committees under any other resolution either of the House or of the Senate. It is not a wide-open resolution and never was a wide-open resolution. Its operation is confined strictly to investigations and litigation under that particular resolution, and by this amendment the expenditure that it can make, and the only expenditure it can make, is not to exceed $10,000 for legal services.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arkansas [Mr. MILLER]. It was my intention to vote against this resolution unless such an amendment was adopted. If the amendment is adopted, I intend to vote for it.

I served as chairman of a special committee last year, and we had as our counsel one of the most distinguished men of the country, a former Member of this House, a former United States Senator, and a former Governor of the State of Georgia, the Honorable Thomas W. Hardwick, a very distinguished public official of his day and a very distinguished lawyer and American citizen. We were limited to paying him $300 a month.

I recognize the argument in opposition to this bill. Personally I think $300 a month is too small an amount to impose upon any special committee in the selection of its counsel. On the other hand, we cannot permit unlimited amounts to be paid, because certain abuses occur, which have existed in the past and which were recognized by the imposition of this $300 limitation. Yet eminent counsel must be obtained and they must be reasonably compensated, and, on the other hand, they must recognize they are rendering a public service. We must, on the one hand, try to compensate them adequately, and, on the other hand, they must recognize that in accepting such employment they are in the service of the public and they must give of their services under such circumstances without the expectation of receiving the compensation they would ordinarily receive and would ordinarily expect.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I will yield to the gentleman in just a moment.

This is an exception; and I am going to vote for this resolution, if amended, because it is an unusual exception. I am going to vote for it in order to find out not only what is the authority of the legislative committee, but what my rights are under the Constitution. I want to find out what

Mr. Hearst's rights are under the Constitution in his case. I want to find out what his rights are in order that JOHN MCCORMACK and every other American citizen may find out whether or not committees appointed by Congress can do anything they want under the power of subpena. [Applause.] I do not think a committee can. I do not think it should. A committee is subject to the Constitution just the same as anyone else is subject to the provisions of that great document. Mr. Hearst is perfectly within his rights in raising the question that he has.

Mr. MAY and Mr. SNELL rose.

Mr. McCORMACK. I yield first to the gentleman from Kentucky.

Mr. MAY. The gentleman has stated that $300 a month is too small a sum for a capable lawyer representing a congressional committee, and with that statement I very heartily agree. We have a committee now investigating the Townsend old-age-pension question, and when they come in at the next session of the Congress and ask for a like innovation, or exception, is the gentleman going to be for that, or not?

Mr. McCORMACK. I will vote for anything which will repeal the $300 limitation and make it a higher amount, but it should not be unlimited.

I now yield to the gentleman from New York.

Mr. SNELL. If this matter is so important and if it affects the constitutional rights of individuals and of the House itself, why should not the Attorney General of the United States represent us and present the matter to the Supreme Court?

Mr. McCORMACK. I can see a distinction there, although I realize that the gentleman's inquiry is a very pertinent one. I doubt the advisability of having the Attorney General represent the legislative branch of the Government. He is a member of the executive branch of the Government.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. BANKHEAD. One of the very great issues we are seeking to present and to have determined in this litigation is keeping the three branches of our Government separate and distinct, and if we should try to tie-in the Attorney General with the litigation, then we would be violating one of the principles involved in the matter.

Mr. SNELL. I understand that; but we have not been so very fussy about that so far, and if this matter pertains to the constitutional rights of individuals, why should not the Attorney General protect their rights?

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield briefly?

Mr. McCORMACK. Briefly; yes.

Mr. CELLER. I agree with the gentleman that the legislative branch of the Government could not, without let or hindrance, conduct investigations that might infringe the constitutional rights of individuals, because if they could do that, then the legislative branch of the Government would be both judge and jury with respect to its own acts. There must be somebody to impose some restraint, and the Supreme Court is the body to do that.

Mr. McCORMACK. Exactly; the gentleman makes a very powerful contribution. We talk about the Constitution. The Constitution would be meaningless unless we had some agency to interpret it. We talk about it in its relationship to Congress. What about its relationship to the individual? What about my rights as an individual if a legislative body should pass an act taking away, or impairing, my constitutional rights? Where am I going to, who would I go to, unless to the Court which has the power to interpret what my rights as a citizen are under the Constitution and to protect them?

Some agency must be the referee as between the executive and the legislative branch. Some agency must be the referee between the statutory law and the fundamental law. Some agency must have the right to determine my constitutional rights. Unless there was some agency to determine whether Congress exceeded its power we would have unrestricted legislative power and could have legislative dictatorship. We would have the Constitution guaranteeing us our rights, stating the powers of government and of the Congress, and if the Congress passed an unconstitutional law, no agency to declare it null and void. Under such conditions, a constitution would be unnecessary. We have that agency. It is the Supreme Court of the United States.

Now, I have my personal opinion about the Black committee. I have my personal opinion about the names of 50 or 60 honorable Members of this body being unwarrantedly brought into its hearings. I have my personal opinion about a committee of Congress disregarding the character and reputation of others, whether Members of this House or humblest citizens of the United States. [Applause.]

But this is a different question. We should appropriate this money, $10,000, not only because Congress wishes to find out what its rights are, but also that we may know what are the rights of the individual under the Constitution when a special committee undertakes to exercise broad and unlimited powers of summoning and examining our papers and effects.

We did not do it in the special committee of which I was chairman. We enumerated what we wanted; we proceeded, as we thought, in accordance with our constitutional powers. What we did was never questioned. Personally I do not think any committee possesses unlimited power to subpena, but we will never know until it is definitely passed upon. I believe in giving to the Senate the ability to employ the counsel they want, so that afterward they cannot say they did not have opportunity to present fully to the Supreme Court the law on the issues involved. I take this course not only for the Black committee, not only that future committees might know their powers, but in order that you and I and all others might know what are our rights when we consider that a committee is acting in violation of our constitutional rights. I want it settled for future committees and for the people of our country. I want to know, so far as the question involved is concerned, what the constitutional powers of a committee are, and equally what the constitutional rights of an individual are. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent that all debate upon this amendment close in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. AYERS. Mr. Chairman, I move to strike out the last two words. In addressing the Members of the House on this amendment let us just talk it over as an honest program that is going to be a precedent in the future, not only for this House but for the Senate; and let me preface my remarks by saying that the Senate investigation committee is proper and right, but when we pass a resolution saying that this committee can hire counsel without any limit on salary, that is absolutely wrong. It would be preposterous, would it not, to say that there should not be any limit to the hiring of counsel, and it is preposterous to say also that counsel should come into this investigation for $300 a month. That is just too little for this class of work, but there should be a limit.

Mr. MAVERICK. There is a direct limit.

Mr. AYERS. There is not a direct limit, and that is what I am arguing for.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. AYERS. Yes.

Mr. BANKHEAD. Was the gentleman present when I made the statement that it was our purpose to offer an amendment specifically limiting the amount to $10,000?

Mr. AYERS. Yes, sir; and that is what I am arguing for.

Mr. BANKHEAD. We are going to offer that amendment.

Mr. MILLER. That amendment is now pending before the committee.

Mr. AYERS. And I am talking on that amendment, and I want the amount fixed at $10,000. It is only fair and proper that we should do that. The thought I have and the thought that I know is in the mind of everyone on both sides is to have honest investigations of these matters, but we cannot give a committee authority to hire counsel at an unlimited salary. That would be ridiculous. I am in favor of this amendment to limit it to $10,000. I want the lawyer properly paid, and with that limit he will be properly paid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

Mr. O'CONNOR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: Page 2, after line 8, insert the following:

"SEC. 2. Notwithstanding the provisions of any existing law, the Committee on Rules of the House of Representatives may employ and fix the compensation of counsel in representing the House of Representatives or any committee thereof in any legal proceedings relative to the powers of the Congress of the United States or the prerogatives and privileges of the House of Representatives. The payment of compensation and expenses necessarily incurred in connection with such legal proceedings shall be paid out of the contingent fund of the House of Representatives on vouchers authorized by the Committee on Rules, signed by the chairman of the Committee on Rules, and approved by the Committee on Accounts: *Provided, however,* That such compensation shall in no instance exceed the sum of $10,000."

Mr. SNELL. Mr. Chairman, I make the point of order against the amendment on the ground that it is obnoxious to paragraph 7 of rule XVI:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Under the specific provision of this rule, under section 795 of the Manual, one individual proposition may not be amended by another individual proposition, even though the two belong to the same class.

A little further down it reads:

To a bill for the relief of one individual an amendment proposing similar relief to another is not in order.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield right there?

Mr. SNELL. I yield.

Mr. O'CONNOR. The rule has been amended making this in order. That was the purpose of my amendment to the rule which was carried, which would make it in order. The gentleman would be correct if the rule had not been amended.

Mr. SNELL. Will the gentleman just explain what he means by that?

Mr. O'CONNOR. An amendment was adopted to the rule.

Mr. SNELL. I do not know of any amendment that has been adopted that is broad enough to cover this.

Mr. O'CONNOR. An amendment was adopted to this effect:

It shall be in order, any rule of the House to the contrary notwithstanding, for the chairman of the Committee on Rules to offer an amendment to said Senate joint resolution granting similar authority to the House of Representatives.

Mr. SNELL. I do not think the amendment offered by the chairman of Rules comes within that provision. I think it goes much further and more comprehensive. It has been a specific rule of the House of Representatives for years and years that when we had one specific project before the House we could not amend it by adding another. This rule says specifically that when you have one proposition before the House, even a similar proposition cannot be offered as an amendment. If your amendment just offered had the same limitations as the Senate resolution, it might be protected by the amendment to the rule, but it has no limitations and in effect repeals the whole law and goes so far that in no way does it seem to me to be germane. We have before the House at the present time a bill which provides that a special investigating committee of the Senate may pay additional compensation to the attorney representing that committee, and to that the chairman of the Rules Committee has offered an amendment, providing that the House may do in the future whatever it desires in regard to counsel to all investigating committees.

In my judgment that has gone far beyond anything provided for in the rule, or even the rule which the chairman of the committee refers to at the time, and is in no way a germane amendment.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. SNELL. I yield.

Mr. RANKIN. Let me say to the gentleman from New York that this goes far beyond giving this power to the House of Representatives. It is tantamount to an amendment giving the Rules Committee powers over investigations that are not even in contemplation. It is tantamount to an amendment extending the power of the Rules Committee.

Mr. SNELL. Oh, it goes much further than that. It is much broader than anything that has ever been considered, and I am sure it is not covered under the regular rules of the House or the new amendment.

Mr. BLANTON. Mr. Chairman, I make a point of order.

Mr. SNELL. Mr. Chairman, I think I still have the floor, and if so, I yield to the gentleman from Missouri.

Mr. COCHRAN. Under the terms of the amendment, does it not take away the power which this House has placed in the Committee on Accounts?

Mr. O'CONNOR. No; that is not so.

Mr. SNELL. I do not know that it goes that far.

Mr. O'CONNOR. Any compensation would still have to be approved by the Committee on Accounts under that resolution.

Mr. SNELL. I am not sure about that. If the Rules Committee gets the power you desire, it can definitely say the amount to be paid for legal services, regardless of any other committee, and is final; and I believe the point of order is good against your all-comprehensive amendment.

Mr. BLANTON. Mr. Chairman, I make an additional point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I make the point of order that under the amendment to the rule offered by the gentleman from New York [Mr. O'CONNOR], which changed the rule, it does not permit of such an amendment as the gentleman from New York now has offered to the Senate joint resolution now under consideration.

In explanation of the point of order, I call the attention of the Chair to the fact that under the Senate joint resolution now before the House the power to fix a fee of $10,000 is in the Auditing Committee of the Senate. Our committee in the House similar to the Auditing Committee of the Senate is the Committee on Accounts. Our distinguished friend from North Carolina [Mr. WARREN] is chairman of that committee. The language of this authorization for this amendment does not permit an amendment that will take away from the Committee on Accounts this right and give it to the Committee on Rules.

Mr. O'CONNOR. It does not take it away from the Committee on Accounts.

Mr. BLANTON. Let me read the language. This is the language of the gentleman's amendment that he passed to the rule:

It shall be in order, any rule of the House to the contrary notwithstanding, for the chairman of the Committee on Rules to offer an amendment to said Senate joint resolution granting similar authority—

Not to the Committee on Rules, but—

granting similar authority to the House of Representatives.

The Committee on Rules is not the House of Representatives. Now, we passed that amendment, and it gives to the House of Representatives this authority, and not to the Committee on Rules, and under the rules of the House the authority is vested in the Committee on Accounts, of which the gentleman from North Carolina [Mr. WARREN] is chair-

man. By passing the amendment offered by the gentleman from New York [Mr. O'CONNOR], we did not authorize any amendment that would give this power to the Committee on Rules. It gave it to the House of Representatives. The amendment offered by the gentleman from New York [Mr. O'CONNOR] takes it away from the House of Representatives, takes it away from the Committee on Accounts, and gives it to the Committee on Rules. It is clearly out of order, and I make the point of order against it.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. O'CONNOR. No; I do not care to be heard. I have not heard any point of order stated yet.

The CHAIRMAN (Mr. MERRITT of New York). The Chair is ready to rule. In the opinion of the Chair, if the special rule providing for the consideration of the Senate joint resolution had not been amended, the point of order made by the gentleman from New York [Mr. SNELL] would be well taken, but in view of the fact that the special rule has been amended, the Chair overrules the point of order.

Mr. BLANTON. Mr. Chairman, I would like a ruling on my point of order, that the amendment adopted does not authorize taking it away from the House of Representatives.

The CHAIRMAN. The Chair is of the opinion that the same rule holds good, and therefore overrules the point of order.

Mr. O'CONNOR. Mr. Chairman, permit me to say at the outset that neither I nor the Committee on Rules has any interest in gathering to itself any additional duties. I have heard several statements made, during the discussion of the point of order, which were not in accordance with the language of the Senate joint resolution. The gentlemen have read the resolution but have forgotten what it contains.

My purpose in offering this amendment is out of pride in the only body of which I am a Member, the House of Representatives. I, as a Member of this body, do not propose to have another body retain counsel from any part of this country and possibly get a ruling from a court which may bind this body or any committee of this body.

The question which rose in the Rules Committee and which rises here is, Shall a great question go to the Supreme Court of the United States, a question raised by a committee of another body, which body proposes to obtain its own counsel, the decision in which case may bind this House in its rights and prerogatives without the House being represented? In the Rules Committee there was no opposition to the proposal I make today, and from no one occupying a position of leadership in the House have I heard any opposition to this body being represented when that question is raised affecting our prerogatives.

The Committee on Rules is suggested as the repository of this power, not through any desire on the part of its present members to have additional power but solely because the Committee on Rules creates these special committees of the House. Even in standing committees a question often arises which may be so momentous as to require special counsel. For instance, such a question arose in the Committee on Military Affairs the other day. The Rules Committee is not looking for any extra work; it is the busiest committee in the House; but it thought—and it was because of parliamentary advice we received—that the Rules Committee might well be the vehicle through which counsel be retained to represent other committees in a serious question affecting the rights and privileges of the House of Representatives. Any decision of the Rules Committee in the matter of compensation is subject always to the approval of the Committee on Accounts.

To illustrate, if the Rules Committee should retain counsel in this particular case—and I am speaking of a possibility, not a probability, for it is not our present intention to do so—but if it should—no matter what the Rules Committee might fix as compensation for its counsel, the amount would have to be approved by the Committee on Accounts, headed by the distinguished gentleman from North Carolina [Mr. WARREN].

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. RAYBURN. I ask the gentleman this question for information: The pending Senate resolution deals with one case. Does the gentleman's interpretation of his amendment make it apply to one case or is it a continuing power for the Rules Committee to exercise?

Mr. O'CONNOR. It is a continuing power, of course, vested in the Rules Committee; but I would remind the gentleman that the existence of the Rules Committee, the Committee on Interstate and Foreign Commerce, and every other committee expires at the conclusion of the term of the Congress.

I may say further that I am the only Member of the House who opposed the limitation of $3,600 when the matter was brought up on the floor. I debated it with the distinguished gentleman from Texas, the chairman of the Committee on Appropriations [Mr. BUCHANAN], and the distinguished gentleman from New York [Mr. TABER]. It was brought in during the closing days of the last Congress, as I recall the facts. I never believed in the limitation. I did not believe that under it proper lawyers, and especially accountants, the greatest difficulty, could be employed at that salary. The gentleman's question has raised the point that this amendment would apply to other matters than the utility lobby investigation.

Mr. RAYBURN. I simply asked the gentleman for information. I made no contention whatever.

Mr. O'CONNOR. This proposal was recommended by everybody who considered it. We did it deliberately. It was our idea that this power should be possessed by the House. All I ask is that the House of Representatives be represented.

[Here the gavel fell.]

Mr. O'CONNOR. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. Briefly.

Mr. CELLER. In the interest of the bill and its passage, I think it would be better if the gentleman would limit the application of his amendment to this particular case rather than to make it of general import, because I am quite sure a number of Members will vote against the resolution if it contains an amendment giving this sweeping power.

Mr. O'CONNOR. No sweeping power is given to the Committee on the Rules. Another committee might come in here tomorrow with a special resolution to meet this situation.

The sole issue is whether or not some other body is going to speak for this House in a court; whether or not we are proud of our own prerogatives; whether or not we can take care of ourselves.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. Yes.

Mr. O'MALLEY. The objection to the Senate resolution was on the ground that it was open and gave a continuing power. We adopted an amendment making it apply to this specific case. The gentleman's amendment is not in harmony with the other amendment, for the gentleman's amendment creates a continuing authority in the Committee on Rules.

Mr. O'CONNOR. That is not so. The objection to the Senate resolution, as I interpret the debate was that the amount was unlimited.

Mr. O'MALLEY. Would the gentleman's amendment, if adopted, create a continuing authority over this subject in the Rules Committee?

Mr. O'CONNOR. It must be put in some committee.

Mr. O'MALLEY. Will the gentleman answer my question "yes" or "no"? Does it contain a continuing authority?

Mr. O'CONNOR. Yes. The gentleman from Texas said the House of Representatives could take care of the situation. Replying, let me state that the House of Representatives, like a corporation or other entity, must act through individuals or a committee.

The House of Representatives cannot do anything except through an individual or through a committee. The authority has to be lodged somewhere. The first thought was to lodge it in the Judiciary Committee, but that was not

deemed satisfactory, because other committees have serious questions raised and the Rules Committee, being the creator of special committees, it was thought wise to lodge the authority there. The Rules Committee has no interest or selfishness about the matter, and we are not looking for extra trouble. We are just trying to protect the prestige of this House and the membership of the House.

Mr. PETTENGILL. Will the gentleman yield?

Mr. O'CONNOR. I yield to the gentleman from Indiana.

Mr. PETTENGILL. Will the gentleman's amendment continue this authority beyond the expiration of the Seventy-fourth Congress?

Mr. O'CONNOR. Of course, it could not. All our committees expire, and the authority would end within a few months.

Mr. MILLER. Will the gentleman yield?

Mr. O'CONNOR. I yield to the gentleman from Arkansas.

Mr. MILLER. I think the question I was going to propound has been answered in the reply to the question submitted by the gentleman from Indiana. The only law I know of that limits the expenditures of the committee is the provision which is carried yearly in these appropriation bills.

Mr. O'CONNOR. The gentleman is correct.

Mr. MILLER. So that it is a question of yearly renewal of this restriction anyway, is it not?

Mr. O'CONNOR. The gentleman is correct. Incidentally, I may say, the legislative appropriation bill has not yet been signed, and if the Members interested in this Senate joint resolution want to protect their rights, they must be sure that the legislative appropriation bill is signed before this Senate joint resolution, otherwise the Senate joint resolution will have no effect because it will have been previously enacted.

Mr. KELLER. Will the gentleman yield?

Mr. O'CONNOR. I yield to the gentleman from Illinois.

Mr. KELLER. I should like to know why the House itself could not retain this power which is sought to be given to the Rules Committee to be used whenever occasion required?

Mr. O'CONNOR. I do not know how the House could act.

Mr. BLANTON. Will the gentleman yield?

Mr. O'CONNOR. I yield to the gentleman from Texas.

Mr. BLANTON. This is not a rule of the House we are changing that expires with each Congress. If this amendment is passed it becomes a part of the law, and it remains the law until repealed by legislative act of Congress.

Mr. O'CONNOR. In the next legislative appropriation bill it will be automatically repealed.

Mr. BLANTON. How does the gentleman know that, when any such legislation would be subject to a point of order?

[Here the gavel fell.]

Mr. MILLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. RANKIN. Mr. Chairman, reserving the right to object, I should like to have 5 minutes to speak in opposition to the amendment. I do not care to prolong the proceedings of the House, but I think this is a very dangerous amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. RANKIN. Why not make it 20 minutes?

Mr. MILLER. There are only three Members who desire to speak.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, except for the amendment offered to the rule, in no conceivable way could the amendment offered by the gentleman from New York be held to be germane, and it would have promptly been ruled out on a point of order. Now, let us take stock of ourselves here for just a minute, and look at the unheard-of thing that is now being proposed. This amendment says that—

Notwithstanding the provisions of any existing law, the Committee on Rules of the House of Representatives may employ and fix the compensation of any counsel in representing the House of Representatives or any committee thereof in any legal proceedings relative to the powers of the Congress of the United States or the prerogatives and privileges of the House of Representatives.

Taking this power, as the gentleman from Illinois [Mr. KELLER] observed, out of the House, where it belongs, and where it should always remain, and delegating it to the Committee on Rules! Why, whoever heard of such an autocratic proposition? Has the House reached the point of abdication?

It further recites, Mr. Chairman:

The payment of compensation and expenses necessarily incurred in connection with such legal proceedings shall be paid out of the contingent fund of the House of Representatives on vouchers authorized by the Committee on Rules, signed by the chairman of the Committee on Rules and approved by the Committee on Accounts: *Provided, however,* That such compensation shall in no instance exceed the sum of $10,000.

Pray tell me why the Committee on Accounts was even mentioned in this amendment? It would be simply a rubber-stamp affair for that committee to approve anything that happened under the provisions of this amendment.

Mr. O'CONNOR. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from New York.

Mr. O'CONNOR. That is true, of course, with the Committee on Audit in the Senate as to the $10,000 authorized in the Senate joint resolution?

Mr. WARREN. I do not know anything about the Senate committee. I know the Committee on Accounts has been vested, under the rules of this House, with full control of the contingent fund.

Mr. O'CONNOR. Where it states that the vouchers must be approved by the Committee on Accounts, the gentleman does not say that committee would approve them with a rubber stamp? It would certainly pass upon them, and if that committee did not approve, then the matter would go to the House.

Mr. BLANTON. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Texas.

Mr. BLANTON. Is it not a fact that the Committee on Audit in the Senate is exactly identical to the Committee on Accounts in the House?

Mr. WARREN. That is my understanding.

Mr. KRAMER. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from California.

Mr. KRAMER. Is it the practice of the Committee on Rules to sign all vouchers approved by the Committee on Accounts?

Mr. WARREN. Of course not. These vouchers are signed by the chairman of the special committees which have already been approved by the House.

Mr. KRAMER. And that has always been the rule?

Mr. WARREN. And they are audited by the Committee on Accounts.

Mr. MAY. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Kentucky.

Mr. MAY. As I understand the amendment offered by the gentleman from New York, it repeals outright the existing statute on the question of lawyers' fees as paid by committees?

Mr. WARREN. Absolutely; and that is the frank purpose of it.

Mr. O'MALLEY. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. If this amendment that the gentleman from New York offers is adopted, it would put all of us who are opposed to opening the thing wide in the position of having to vote against the resolution. I do not say that is the purpose of the amendment, but that is the position it would put us in anyway.

Mr. WARREN. I shall vote against the passage of the resolution regardless, because I think the $3,600 per annum limitation is wise and necessary, but I shall not vote to load the resolution down and thereby make it more unpopular.

[Here the gavel fell.]

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, up to this very minute, during the entire history of the Congress, every fee that has ever been authorized to be paid to a committee employee has had to be authorized by the Committee on Accounts. The Committee on Accounts is the committee of the House that passes on these things. They have the record of all such proceedings back as far as the history of the Congress goes. They are familiar with such things, and our distinguished friend from North Carolina [Mr. WARREN] is familiar with every single precedent connected with such matters.

Now, I think it is rather unfair for our distinguished chairman of the great Rules Committee, which, after all, is a political committee, an arm of the House, an arm of the administration of the Government, to provide means for the administration to have its program carried out, to take the position which he has taken here in trying to take over jurisdiction from the Committee on Accounts.

Handling all such matters is the exclusive function of the Committee on Accounts, but the Committee on Rules has nothing to do with that. The Committee on Accounts alone has the right to pass on the propriety of spending money out of the contingent fund of the House.

Why, if you pass this amendment of our friend from New York, it is not a mere change of a rule which dies at the close of the Congress; it is permanent law. It will require the legislative act of some Congress to change it.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a minute I will yield; and I will ask the gentleman, as a good lawyer—and he is a good lawyer—if it is not a fact that until some legislative committee brings in a proposition here and repeals it, this becomes permanent law and puts this power in the hands of the Committee on Rules throughout all the years; is not that so?

Mr. O'CONNOR. That is so. Now will the gentleman yield for a question?

Mr. BLANTON. Yes.

Mr. O'CONNOR. My amendment provides that all payments and vouchers be approved by the Committee on Accounts. This is in the amendment, and the gentleman can read it.

Mr. BLANTON. Oh, I want to explain what that means.

Mr. O'CONNOR. The gentleman from North Carolina [Mr. WARREN] did not raise the question that the amendment would take anything away from his committee.

Mr. BLANTON. He said it would make his committee a rubber stamp, and it would, and I will tell the gentleman why.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a minute.

I will tell you why. Say we have 15 investigating committees authorized; under present law they engage their own attorneys and arrange their salaries, but under this amendment that right is taken away from them, and the Rules Committee then does the employing, and the Rules Committee fixes the amount they shall pay, and then the Rules Committee will go to Mr. WARREN and say, "Lindsay, we have employed this fellow at $10,000. The House authorized us to do it. The House put it in our charge. We are the ones responsible, but you have to O. K. this, and here it is. Please O. K. it." Would not Lindsay be put in a terrible situation? Why, he would become a rubber stamp.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. O'CONNOR. The amendment does not apply to employees of committees at all. It applies solely and entirely to legal services in an extraordinary case, such as the present one, and does not apply at all to investigators, accountants, and so forth.

Mr. BLANTON. We are unable to tell how it might be construed. I cannot yield further.

Our House Committee on Rules is one of the most powerful organizations in the Congress. It is more powerful than any committee they have in the Senate. It can in one moment change and set aside every rule of the House. Let us vote down this amendment. The Rules Committee already possesses more power than it can exercise with due safety to the rights of all the other Members of the House.

ILLUSTRATING THE PRESENT POWER OF RULES COMMITTEE

In the last session of Congress we had before us what was known as the Ellenbogen rent bill, which quite a number of us firmly believe was unconstitutional, unsound, wasteful, extravagant, and ineffectual. We fought it and stopped it from passing.

There is just such a bill before the House at this time. A number of us firmly believe that it is unconstitutional, that it is unsound, that it is communistic, that it will raise and increase rents instead of lowering them, and that it will create an army of high-salaried employees, with no limit as to number, and no limit as to salaries, and no limit on the amount of expenses that the newly created rent commission could expend. Naturally, a number of us are against that bill and have been doing everything within our power to stop it and keep it from passing.

SISSON BILL, 10,000 TIMES WORSE, JUST BEHIND IT

The District Committee has favorably reported the Sisson bill, which repeals the law that prevents communism from being taught to the 99,000 school children in the 175 public schools of Washington.

In order to prevent the consideration of the Sisson bill until we could have an opportunity to get before the Members of Congress the result of an investigation made by our Subcommittee on Appropriations handling the District supply bill, which caused our subcommittee to refuse to allow $78,660 for so-called character education, and which hearings show conclusively that the Sisson bill should not pass, several of us having been doing all we could to delay the passage of the Ellenbogen bill, even if we are not able to defeat it, because immediately following its passage the Sisson bill will be called up for passage.

The press today tells us that Chairman NORTON announces that she is now assured of the passage of the Ellenbogen bill soon this week, probably Friday, as she has arranged with the Rules Committee to grant her a rule, allowing only an hour and a half for the consideration of all amendments. Under the rules of the House at least 10 hours would be necessary to consider all amendments, as quite a number of Members have numerous amendments they want to debate and want considered. If the Rules Committee grants this rule, it probably means the passage of both the Ellenbogen bill as well as the Sisson bill, for such action of the Rules Committee would be construed and claimed as administration endorsement of the two bills, and probably this caused Chairman NORTON to announce with such assurance that the Ellenbogen bill now would be passed.

I HAVE PERFORMED MY FULL DUTY

I have done everything that one man could do to stop the Ellenbogen bill and the Sisson bill from passing. On April 2, 1936, I made a speech in the House explaining fully the position of our Subcommittee on Appropriations, and quoting from our hearings, showing why we refused the $78,660 for so-called "character education", and why the Sisson bill should not pass, and I urge all of our colleagues in both the House and Senate, and all persons who may read this RECORD, to look in the RECORD of April 2, 1936, beginning with page 4837, and they will, if they read same with an open mind, see clearly why both the Ellenbogen bill and the Sisson bill should not be passed.

If Rules Committee grants a rule on the Ellenbogen bill, I want it to assume full responsibility for it should the bill pass, for I know without such a rule it would not be passed. And if we are limited to 1½ hours for amendments, I do not intend to make any effort whatever to stop its passage, for effort would be futile with that limited time allowed to present numerous amendments and the chairman controlling most of the time. And I want it to assume responsibility for the Sisson bill.

The above is a clear-cut illustration of the power of Rules Committee. It can change all rules at will. I think that it now possesses enough power, and all the power that it should possess, and I am not in favor of allowing it to take

over the jurisdiction of the Committee on Accounts. I urge my colleagues to vote against this amendment, and after we defeat the amendment I am going to vote against the Senate resolution.

Mr. RANKIN. Mr. Chairman, I hope the House will vote this amendment down. I am as strong for this resolution as any man in either House of Congress, but this amendment is entirely unnecessary and is reposing in the Rules Committee additional powers, the like of which no committee of Congress has ever assumed before, or at least since the change of the rules in 1909 or 1910.

Why not wait until an occasion arises? Why delegate all this power to the Rules Committee in advance, when there is nobody in the Congress, including those now conducting investigations, asking for it? I presume, as chairman of the Committee on Veterans' Affairs, I am conducting one of the most important investigations that will come before any committee in this Congress. If I should want this authority, I do not want to go to the Rules Committee and have them say whom I shall employ. I want to come to the House of Representatives for my authority and not to the Committee on Rules.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. MARCANTONIO. As a matter of fact, if this amendment is adopted, will it not have the effect of adding too heavy a tail to the kite and therefore bring about the defeat of the original resolution?

Mr. RANKIN. I thank the gentleman from New York; I think that will be the result if this amendment is adopted. That may be the object of it.

Now, you gentlemen who are in favor of this resolution who want the Congress of the United States properly represented in this great litigation that is now on its way to the Supreme Court of the United States, if you want to kill the resolution the best way you can do it is to adopt this unnecessary amendment. I, for one, shall oppose its adoption; and I shall demand a roll call upon it if it is put on in the Committee of the Whole. I say vote this amendment down, and then let us vote for the resolution.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. O'CONNOR. I hope the gentleman does not lose sight of the fact that at the present time the Committee on Rules, and every committee, is limited to $3,600 a year. If the Rules Committee conducts a similar investigation and, like the Senate, desires to retain counsel to act in the case in behalf of the House, we would be limited to $3,600 a year, while the counsel for the Senate in similar proceedings would receive $10,000.

Mr. RANKIN. And if the Rules Committee will come to the House and show a legitimate reason, we will give them what money they need and the Senate will concur without a dissenting vote.

Mr. AYERS. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. AYERS. Is not the proposition right now, that we are studying a resolution on one particular phase of the Senate?

Mr. RANKIN. Yes.

Mr. AYERS. And now they are trying to make it a general law in the House.

Mr. RANKIN. Yes; they are trying to change the rules of the House of Representatives and give this one committee power that no committee ought to have. If the chairman of a committee making an investigation needs counsel, let him come to the floor of the House, as the gentleman from New York [Mr. SNELL] demanded the other day that I do, when we had such a proposition under consideration. The gentleman asked us to come back to the House and get authority if it became necessary to spend any money in conducting our investigation.

He was right. I agreed with that policy then and I agree with it now. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 48, noes 85.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MERRITT of New York, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration Senate Joint Resolution 234, and, pursuant to House Resolution 475, he reported the joint resolution back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question now recurs upon the third reading of the Senate joint resolution.

The question was taken; and the joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 153, answered "present" 4, not voting 134, as follows:

[Roll No. 67]

YEAS—137

Amlie	Duffy, N. Y.	Lewis, Colo.	Sadowski
Ayers	Duncan	Lewis, Md.	Sauthoff
Bankhead	Eckert	Luckey	Schneider, Wis.
Barden	Eicher	Lundeen	Schulte
Biermann	Ellenbogen	McCormack	Scott
Binderup	Fletcher	McGehee	Sears
Boileau	Frey	McReynolds	Shannon
Boland	Gassaway	McSwain	Sisson
Brown, Ga.	Gehrmann	Mahon	Smith, Va.
Buck	Gillette	Mansfield	Smith, Wash.
Buckler, Minn.	Goldsborough	Marcantonio	South
Caldwell	Gray, Ind.	Martin, Colo.	Spence
Cannon, Mo.	Green	Maverick	Stefan
Cartwright	Greenwood	Mead	Sumners, Tex.
Celler	Haines	Meeks	Sweeney
Chapman	Hancock, N. C.	Miller	Tarver
Citron	Hildebrandt	Moran	Taylor, Colo.
Colden	Hill, Ala.	Nelson	Thom
Colmer	Hill, Samuel B.	O'Connell	Thomason
Cooper, Tenn.	Hobbs	O'Connor	Turner
Costello	Hook	O'Malley	Umstead
Cox	Huddleston	Patterson	Utterback
Creal	Hull	Pearson	Vinson, Ga.
Cross, Tex.	Jacobsen	Peterson, Fla.	Vinson, Ky.
Crosser, Ohio	Johnson, Okla.	Pierce	Wearin
Cummings	Johnson, Tex.	Ramsay	Weaver
Deen	Jones	Ramspeck	Whelchel
Dingell	Keller	Rankin	Whittington
Dobbins	Kloeb	Rayburn	Williams
Dorsey	Kniffin	Reilly	Wilson, La.
Doughton	Kvale	Richards	Wood
Doxey	Lambeth	Richardson	Zimmerman
Driscoll	Lanham	Robinson, Utah	
Driver	Lee, Okla.	Rogers, N. H.	
Duffey, Ohio	Lesinski	Ryan	

NAYS—153

Andresen	Cole, Md.	Gambrill	Kramer
Andrew, Mass.	Cole, N. Y.	Gearhart	Lambertson
Andrews, N. Y.	Cooper, Ohio	Gifford	Lamneck
Arends	Crawford	Gilchrist	Lemke
Bacharach	Crowe	Goodwin	Lord
Barry	Crowther	Greenway	Ludlow
Beiter	Culkin	Greever	McClellan
Blackney	Cullen	Griswold	McGroarty
Bland	Curley	Guyer	McLean
Blanton	Darrow	Gwynne	McLeod
Bloom	Dempsey	Halleck	Maas
Bolton	Dirksen	Hancock, N. Y.	Main
Boylan	Ditter	Hartley	Mapes
Brewster	Dockweiler	Hennings	Marshall
Buchanan	Dondero	Hess	Martin, Mass.
Burch	Drewry	Higgins, Conn.	Mason
Burnham	Edmiston	Hoffman	May
Carlson	Ekwall	Holmes	Merritt, Conn.
Carpenter	Engel	Hope	Merritt, N. Y.
Carter	Englebright	Houston	Michener
Casey	Evans	Johnson, W. Va.	Millard
Castellow	Fitzpatrick	Kahn	Mitchell, Tenn.
Chandler	Focht	Kennedy, Md.	Mott
Church	Ford, Miss.	Kenney	Norton
Clark, Idaho	Fuller	Kinzer	O'Leary
Coffee	Fulmer	Knutson	O'Neal

Parsons	Rich	Snell	Tonry
Patton	Risk	Stack	Treadway
Peterson, Ga.	Robertson	Stubbs	Turpin
Pettengill	Robsion, Ky.	Sutphin	Walter
Peyser	Rogers, Mass.	Taber	Warren
Pittenger	Rogers, Okla.	Taylor, S. C.	Wilson, Pa.
Plumley	Russell	Taylor, Tenn.	Wolcott
Polk	Scrugham	Terry	Wolfenden
Powers	Secrest	Thompson	Wolverton
Rabaut	Seger	Thurston	Woodruff
Ransley	Shanley	Tinkham	
Reece	Short	Tobey	
Reed, N. Y.	Smith, W. Va.	Tolan	

ANSWERED "PRESENT"—4

Boehne	Cochran	Massingale	Zioncheck

NOT VOTING—134

Adair	Dies	Jenckes, Ind.	Perkins
Allen	Dietrich	Jenkins, Ohio	Pfeifer
Ashbrook	Disney	Kee	Quinn
Bacon	Doutrich	Kelly	Randolph
Beam	Dunn, Miss.	Kennedy, N. Y.	Reed, Ill.
Bell	Dunn, Pa.	Kerr	Romjue
Berlin	Eagle	Kleberg	Sabath
Boykin	Eaton	Kocialkowski	Sanders, La.
Brennan	Faddis	Kopplemann	Sanders, Tex.
Brooks	Farley	Larrabee	Sandlin
Brown, Mich.	Fenerty	Lea, Calif.	Schaefer
Buckbee	Ferguson	Lehlbach	Schuetz
Buckley, N. Y.	Fernandez	Lucas	Sirovich
Bulwinkle	Fiesinger	McAndrews	Smith, Conn.
Burdick	Fish	McFarlane	Snyder, Pa.
Cannon, Wis.	Flannagan	McGrath	Somers, N. Y.
Carmichael	Ford, Calif.	McKeough	Starnes
Cary	Gasque	McLaughlin	Steagall
Cavicchia	Gavagan	McMillan	Stewart
Christianson	Gildea	Maloney	Sullivan
Claiborne	Gingery	Mitchell, Ill.	Thomas
Clark, N. C.	Granfield	Monaghan	Wadsworth
Collins	Gray, Pa.	Montague	Wallgren
Connery	Gregory	Montet	Welch
Cooley	Hamlin	Moritz	Werner
Corning	Harlan	Murdock	West
Cravens	Hart	Nichols	White
Crosby	Harter	O'Brien	Wigglesworth
Daly	Healey	O'Day	Wilcox
Darden	Higgins, Mass.	Oliver	Withrow
Dear	Hill, Knute	Owen	Woodrum
Delaney	Hoeppel	Palmisano	Young
DeRouen	Hollister	Parks	
Dickstein	Imhoff	Patman	

So the Senate joint resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. McFarlane (for) with Mr. Corning (against).
Mr. Withrow (for) with Mr. Stewart (against).
Mr. Gildea (for) with Mr. Wigglesworth (against).
Mr. Zioncheck (for) with Mr. Allen (against).
Mr. Massingale (for) with Mr. Wadsworth (against).
Mr. Patman (for) with Mr. Boehne (against).
Mr. Cochran (for) with Mr. Granfield (against).
Mr. Snyder of Pennsylvania (for) with Mr. Hollister (against).
Mrs. O'Day (for) with Mr. Jenkins of Ohio (against).
Mr. Connery (for) with Mr. McAndrews (against).
Mr. Knute Hill (for) with Mr. O'Brien (against).
Mr. Starnes (for) with Mr. Lehlbach (against).
Mr. Fiesinger (for) with Mr. Darden (against).
Mr. Eagle (for) with Mr. Bacon (against).
Mr Crosby (for) with Mr. Sullivan (against).
Mr. Dunn of Mississippi (for) with Mr. Kleberg (against).
Mr. Murdock (for) with Mr. Larrabee (against).

General pairs:

Mr. Sabath with Mr. Perkins.
Mr. Oliver with Mr. Reed of Illinois.
Mr. Steagall with Mr. Welch.
Mr. Gregory with Mr. Thomas.
Mr. Cary with Mr. Fish.
Mr. Bulwinkle with Mr. Eaton.
Mr. Fernandez with Mr. Christianson.
Mr. Maloney with Mr. Fenerty.
Mr. Woodrum with Mr. Cavicchia.
Mr. Cravens with Mr. Doutrich.
Mr. Cooley with Mr. Collins.
Mr. Kerr with Mr. Buckbee.
Mr. McMillan with Mr. Burdick.
Mr. Gavagan with Mr. Mitchell of Illinois.
Mr. Owen with Mr. Harlan.
Mr. Gasque with Mr. Adair.
Mr. Nichols with Mr. Young.
Mr. Ford of California with Mr. Claiborne.
Mr. Sanders of Louisiana with Mr. Hart.
Mr. Beam with Mr. Gingery.
Mr. Palmisano with Mr. Bell.
Mr. Gray of Pennsylvania with Mr. Hamlin.
Mr. Parks with Mr. Flannagan.
Mr. Wilcox with Mr. Montet.
Mr. White with Mr. Dunn of Pennsylvania.
Mr. McGrath with Mr. Dear.
Mr. Lea of California with Mr. Sirovich.
Mr. Clark of North Carolina with Mr. Harter.
Mr. Sanders of Texas with Mr. Berlin.
Mr. Boykin with Mr. Pfeifer.
Mr. Imhoff with Mr. Romjue.
Mr. Kocialkowski with Mr. Daly.
Mr. Keough with Mr. Faddis.
Mr. Werner with Mr. Farley.
Mr. Disney with Mr. Somers of New York.
Mr. Lucas with Mr. Kee.
Mr. Ferguson with Mr. Delaney.
Mr. McLaughlin with Mr. Smith of Connecticut.
Mr. Kelly with Mr. Quinn.
Mr. DeRouen with Mr. Brennan.
Mr. Carmichael with Mr. Randolph.
Mr. Dickstein with Mr. Sandlin.
Mr. Kennedy of New York with Mr. Dies.
Mr. Schuetz with Mr. Healey.
Mr. Brooks with Mr. Montague.
Mr. Dietrich with Mr. West.
Mr. Wallgren with Mr. Monaghan.
Mr. Brown of Michigan with Mr. Ashbrook.
Mr. Buckley of New York with Mr. Cannon of Wisconsin.
Mr. Kopplemann with Mrs. Jenckes of Indiana.
Mr. Moritz with Mr. Higgins of Massachusetts.

Mr. LUDLOW changed his vote from "aye" to "nay."

Mr. LESINSKI changed his vote from "nay" to " aye."

Mr. ZIONCHECK. Mr. Speaker, I had a pair with the gentleman from Illinois, Mr. ALLEN. I voted "aye" on the passage of the resolution. I wish to withdraw that vote and answer "present."

Mr. WHITE. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. WHITE. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. MASSINGALE. Mr. Speaker, I am paired with the gentleman from New York, Mr. WADSWORTH. I was not here when the last roll call was made. If the gentleman from New York was not present, I ask to withdraw my vote on this resolution.

The SPEAKER. The Chair is informed that the gentleman from New York, Mr. WADSWORTH, did not vote.

Mr. MASSINGALE. Then I ask to withdraw my vote of "aye" and answer "present."

Mr. MURDOCK. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MURDOCK. I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

Mr. FULLER. Mr. Speaker, I move to reconsider the vote by which the Senate joint resolution was rejected and lay that on the table.

The motion was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. LEE of Oklahoma. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal and the conclusion of business on the Speaker's table, I may have permission to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CHAIRMAN OF THE COMMITTEE ON INVALID PENSIONS

Mr. DOUGHTON. Mr. Speaker, I offer a resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 488

Resolved, That JOHN LESINSKI, of Michigan, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Invalid Pensions.

The resolution was agreed to.

THE UPRIGHT JUDGE—OLIVER WENDELL HOLMES

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks on the late Associate Justice Oliver Wendell Holmes, and to include brief extracts from remarks I made concerning him on this floor, and remarks made yesterday by the gentleman from Texas [Mr. SUMNERS] before the Senate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McSWAIN. Mr. Speaker, long before election to Congress in 1920 I had been an ardent admirer of Oliver Wendell Holmes from a distance. As a young lawyer I had carefully read, 25 years ago, his philosophic book entitled "The Common Law." In the same spirit I had read the Lives of the Lord Chancellors of England and the Lives of the Lord Chief Justices of England, by Lord Campbell. It was then I first learned of the rules of conduct laid down by Sir Matthew Hale to govern his conduct as a judge.

I think the best preparation for a judgeship is to read and comprehend the lives of great judges. Sir Matthew Hale, Chief Justice of England, was great not alone in intellect, but he was greater still in character. The wife of John Bunyan, then imprisoned in Bedford jail, appeared before the court of which Judge Hale was a member, and she asked that her husband be released from jail. Under the law as it then was Bunyan was detained by order of the King, as there was no right of release under the writ of habeas corpus from such order of detention; the court could not release the good man John Bunyan, but Judge Hale expressed great sympathy for the poor woman and regretted that he had no power to grant necessary relief.

Mr. Speaker, I never became an intimate of Justice Oliver Wendell Holmes. I never met him but one time, and that was while the celebration of the one hundredth anniversary of the opening of the Cumberland Canal up Potomac River was being held. I introduced myself to him out on the bank of the canal, and we had a very delightful conversation. He was as simple, natural, and unassuming, and as practical as any farmer or businessman. All truly great men are marked by genuine simplicity. My admiration was then intensified into love, and I am as ardently attached to his memory as I was to him before he passed from this earth. I admired his intellect, I greatly respected his public service, I reverenced his judicial qualities, but I loved his character.

BIRTHDAY OF JUSTICE HOLMES

For many years, I spoke upon the floor upon March 8, which was his birthday, about Justice Holmes. I find by reference to the CONGRESSIONAL RECORD that I thus addressed the House in March 1925, as will appear upon page 5161 of the CONGRESSIONAL RECORD. At that time I used in part the following language concerning Justice Holmes:

It is fitting, though at first blush incongruous, that a son of South Carolina and a son and a grandson and near relative of Confederate soldiers should go out of his way to utter words of commendation for a son of Massachusetts, who served in the Union Armies throughout the entire war period of '61 and '65, and was wounded at Ball's Bluff, Antietam, and Fredericksburg. The passions of that time have passed. The prejudices growing out of that conflict have practically all gone. The sons and grandsons of those engaged in that civil strife have since joined their efforts, mingled their joys and hardships, commingled their blood, and consecrated their lives in two great wars for the common country.

But I am especially persuaded to speak of Mr. Justice Holmes, because it seems to me that his services as a member of the Supreme Court have been conspicuously devoted to the preservation of the old original and true ideals of our confederated Republic. These efforts have been directed to maintaining unimpaired the powers and duties of the States to govern their own people by such laws as shall seem to the majority of the people of the respective States best calculated to promote their respective social, economic, and moral well-being. Mr. Justice Holmes has stood for those principles of State autonomy popularly described by the words "State rights." He has had the vision to understand the philosophy back of our dual system of government. He has understood that there was and is a profound reason for a sharp line of division between the powers of the Federal Government and those of the several States. He can truthfully maintain that he offered his young life and gave much of his youthful strength and energy and some of his blood to preserve the Union indissoluble. In like manner he can truthfully declare that the mature and ripened judgment of his manhood has been devoted, wherever the opportunity of the cases coming before the Court offered to preserve with vigor and energy the States of the Union as indestructible foundations upon which the whole Federal superstructure must rest and without which the same superstructure must fall.

Whether we contemplate Mr. Justice Holmes as the product of a home of great culture and character as a sign of one whose name will live in the hearts of men so long as the English language survives, or as the student of America's oldest and most powerful educational institution, or as the young soldier winning promotion after promotion by his own bravery and performances of duty and rising grade by grade from second lieutenant to colonel, or as the wise counselor and clean advocate at the bar, or as the learned and inspiring teacher of law students, or as the justice or chief justice of the highest court in Massachusetts, or as an Associate Justice of the great tribunal that commands the respect of this Nation and the admiration of the whole world, we are made to marvel at his achievements and to stand with reverence in contemplation of his character and intellectual accomplishments.

THE QUALITY OF A GREAT JUDGE

Again on March 8, 1926, on page 5222 of the CONGRESSIONAL RECORD, I addressed the House on the subject of Mr. Justice Holmes.

Again on March 8, 1928, on page 4343 of the CONGRESSIONAL RECORD, I spoke with reference to Mr. Justice Holmes, and used, in part, the following language:

I rejoice to bear testimony as a South Carolinian to the magnificent public services of this distinguished son of Massachusetts. The example of Mr. Justice Holmes illustrates the obvious truth that you cannot fix an arbitrary point in the life of the individual when his usefulness shall end. Both the Army and the Navy have an arbitrary age of 64 fixed by a statute for the retirement of their officers. Some men are younger at 64 than others are at 54, and yet some men are older at 64 than others are at 74. If a man has been temperate in his habits, if his emotions have not from time to time overwhelmed him, it is entirely reasonable to expect from him useful service after he passes the age of 64.

For this reason I have advocated the repeal of the existing law requiring Army and naval officers to retire at 64, and have urged instead the enactment of a provision requiring all officers above 60 years of age to appear annually before a medical board for thorough and careful examination as to their physical and mental strength. If deterioration be found, then let the board recommend retirement. But if the officer be found vigorous and hale, physically and mentally, let him continue to serve the Government just so long as he is able to render full service. Surely wisdom and knowledge come with experience. Certainly calmness and understanding should accompany age. Surely both the Army and the Navy need a certain percentage of the officer personnel composed of men of well-balanced judgment, of seasoned understanding, and of ripened wisdom.

Furthermore, it will be better for the officer himself. If he loves his profession he will be saddened by being separated from the service, if he be still in sound health and sufficient strength. Too old to take up a new business or profession, he must drag out a discontented existence of idleness. If Marshal Foch had been retired at 64 he never would have commanded 5,000,000 men on the western front. If Marshal Von Hindenburg had been retired at 64 he would never have driven the Russian armies into the Masurian Lakes, and he never would have held, in 1917 and until November 11, 1918, his western lines against the almost irresistible onrushing of allied soldiery.

But to return to Mr. Justice Holmes. I call attention to the fact that his case demonstrates that age and experience do not necessarily bring on a reactionary and ultraconservative attitude of mind. His decisions show the greatest degree of mental hospitality. His mind is receptive to new ideas and to the impulses of progress. It is remarkable how often Mr. Justice Holmes concurs in some separate opinion by Mr. Justice Brandeis and how often Mr. Justice Brandeis adopts the opinion of Mr. Justice Holmes as his own.

It will be recalled that when Mr. Justice Brandeis was nominated for the Supreme Court he was attacked by certain groups as so progressive as to be almost radical; he was regarded as so forward-looking that he never looked back. Since the Anglo-Saxon system of jurisprudence is based upon precedent, it is necessary that a judge should be looking backward most of the time. But it is well that any judge should look forward half the time at least. He must look backward to study the trend and tendency of decisions, to catch the current of opinion, and to discern the underlying philosophy of the law. But having done this much he should turn his eye to the future, and, following the course and direction set by the backward glance, should shape decisions and opinions to fit facts and conditions and circumstances as they are about us and as they certainly will be about us in the immediate future.

A PHILOSOPHIC JUDGE

Again on March 7, 1930, at page 4989 of the CONGRESSIONAL RECORD, I spoke concerning the life and services of Mr. Justice Holmes, and used in part the following language:

By this test Mr. Justice Holmes is a philosopher. Such a philosopher must understand history, not the history merely of a period nor of one nation, nor of a race only, but all history. Such knowledge drives out dogmatism; such knowledge sets the mind free; such knowledge reflects itself in the living and the thinking of a man. Every human being is to a limited extent a philosopher, and certainly sufficiently to recognize another person who possesses philosophy to a preeminent degree. For this rea-

son all classes, educated and uneducated, rich and poor, socially prominent and socially obscure, recognize that Mr. Justice Holmes is in the highest and truest sense a philosopher. They believe that no extraneous dust interferes with his judicial eyes; they feel that justice is safe in his hands. They have had repeated proofs of his toleration and broadmindedness.

They know that he believes in freedom—freedom of speech, freedom of action, freedom of competition, freedom for individual development. They know that he has the strength and courage to defend freedom of speech, even when he does not agree with the opinions uttered by the speaker. Our people may not all know what Voltaire said when he wrote, "I do not agree with what you say, but I would give my life to protect your right to say it", but in the heart of every free man this sentiment lies implicit and rises to respond to its every utterance.

Mr. Justice Holmes certainly comprehends the true philosophy of the American Federal system. He is a genuine defender of the Anglo-Saxon doctrine of local self-government. The preservation of that doctrine as applied to the practical administration of government is essential to the perpetuity of free America. Consequently we find Mr. Justice Holmes insisting that the fourteenth amendment should not be used to shut off the right of experimentation in legislative matter in the several States. Wisely he insists that each State must be permitted to determine its own policies as to domestic matters. Though one or more or many of the States may enact internal legislation repugnant to their individual conception of what is best, he refuses to exercise his power as a part of the Supreme Court of the United States to deny the right of the several States to adopt governmental practices, novel and unusual, and perhaps radical, though they are.

TWO KINDS OF JUDGES

Again on page 4991 of the CONGRESSIONAL RECORD you will find that I used the following language:

These are two classes of judges; the first made up of the statesman-lawyer type, who takes a broad and liberal view of his obligations, not only as to the litigants in the case before the court but also to society generally, and especially to future generations. John Marshall was an outstanding example of this type of judge. Fortunately for our Nation, we have had many such judges on our State supreme courts and on the United States Supreme Court. Outstanding among all such is Mr. Justice Holmes. He does not regard the Constitution as a strait jacket, setting up a multitude of inhibitions to prevent States and the Federal Government from discharging obligations to the day and generation in which we live.

The other group of judges may be described generally as mere lawyer type. With ample knowledge of the doctrines and decisions of the law, with highly trained and discriminating minds, they never exactly get out of the habit of advocacy. It is so natural to form a conclusion of how a case ought to be decided and then to bend all energies by searching the face of the earth for decisions and commentaries to establish the particular thesis prematurely arrived at. These judges are just as honest and just as patriotic as the first class mentioned, but, not possessing the true philosophical spirit, they cannot throw off the restraints of intellectual habits and cannot forget the impressions acquired during a long, successful practice.

But we need more judges of the type first mentioned on both our State supreme courts and the United States Supreme Court. State constitutions and the Federal Constitution ought to be construed in the light of common sense and with the understanding that their makers used general language wherever possible, and where particular language was used they generally intended that such particular language should have a general interpretation so that such constitutions may continue as a framework of government from one generation to another and be so elastic as to meet the changing conditions of society and to apply to the changing instrumentalities of economical life.

Mr. Speaker, it is a liberal education for anyone to follow the judicial career of Mr. Justice Holmes. He was a great seeker after truth. It is even said that he was a liberal. If he was, it was because he lived to exemplify what Jesus of Nazareth meant when he said, "Ye shall know the truth, and the truth shall make you free." A liberal is one who is free from the restraints of tradition, of prejudice, of false ideals, and of self-interest. One who seeks the truth and follows the truth, when found, is a "liberal." I especially call attention to that compilation of the dissenting opinions of Mr. Justice Holmes, collected and arranged by Alfred Lief and published by the Vanguard Press, of New York. The soundness of the legal philosophy of Mr. Justice Holmes rings in his dissents as much as it does in the decisions where he voiced the views of the majority of the Court.

IMPEACHMENT OF JUDGES

Mr. Speaker, the office of judge is the greatest office with which a human being may be vested. The office of President is a truly great office, but circumscribed in jurisdiction and limited as to time of tenure. The same is true of a Senator and of a Representative in the Congress of the United States. But a Federal judge, appointed for life, or, at least, during good behavior, possesses a power and prestige and an opportunity to render service to his fellow men of all ranks and stations of life, unmatched by any other office. The Honorable HATTON W. SUMNERS, chairman of the Judiciary Committee of the House of Representatives, in addressing the Senate of the United States, sitting as a Court of Impeachment in the trial of Federal Judge Ritter, of Florida, offered some grand thoughts in his address on April 14, 1936, found at page 5469 of the CONGRESSIONAL RECORD, and in order to emphasize these marvelous views, so aptly and lucidly expressed, I am quoting them at this point:

The respondent must be protected against those who would make him afraid. But we take the position that when a judge on the bench, by his own conduct, does that which makes an ordinary person doubt his integrity, doubt whether his court is a fair place to go, doubt whether he, that ordinary person, will get a square deal there; doubt whether the judge will be influenced by something other than the sworn testimony, that judge must go.

This august body writes the code of judicial ethics. This Court fixes the standard of permissible judicial conduct. It will not be, it cannot be, that someone on the street corner will destroy the confidence of the American people in the courts of this country. That cannot happen if the courts are kept clean. If confidence in the courts of this country is destroyed, it is going to be destroyed from within by the judges themselves. I declare to you, standing in my place of responsibility, that that is one thing which neither the House nor the Senate can permit to be tampered with or which they can be easy about.

Now let us see what are the facts in this case. We are sorry to go into a case like this. It is not a pleasant matter to stand here and ask that an incumbent of the Federal bench be separated from his responsibilities. The Government has been very good to this respondent and to all judges. The United States gives this respondent a position for life, subject to but one condition. He does not have to undertake any campaign. When he grows old he continues to draw his salary. What does the Government ask? It imposes just one condition, and that is that the judge shall behave himself, that his conduct shall be good. Is that too much to ask? Destroy the confidence of the people in those who occupy judicial positions, and you destroy the confidence of the people in the courts. That is not something to be dealt with lightly, and no man on the bench has any right by doing questionable things to put in peril the confidence of the people in the courts. That is a high crime.

He takes "the veil"; he cuts himself loose. That is the plan of the Constitution; it is the plan and the philosophy of any government of a free people. He does not have to bother about his income. His office, his place of business, his help, everything the people pay for. He is not appointed to reign over a free people. He is appointed to serve the people, and they say to him, "If you behave, if you will only be good, we will make a contract with you for life, and we will fix that contract in the Constitution." Under such circumstances he does not have any right to be flirting on the outside with anything that will bring into question the integrity of his judicial conduct.

In my address to the John Randolph Neal College of Law, Knoxville, Tenn., January 8, 1936, and inserted in the CONGRESSIONAL RECORD, January 13, 1936, I used this language as to our Federal Constitution, considered as a "living, growing organism":

TALK OF AMENDMENT IS NOT TREASON

To talk of amending the Constitution by no means implies irreverence for that great instrument, nor for its great framers. It is true they themselves doubted the adoption and the permanency of their proposal. Fortunately, as often happens in human affairs, "they builded better than they knew." Amendment is the very life principle of the Constitution. It was itself an amendment to, in the form of a substitution for, the Articles of Confederacy. The Declaration of Independence had said, among other things, that "when any government becomes destructive of these ends (life, liberty, and the pursuit of happiness) it is the right, it is the duty, of the people to alter or to abolish it, and to institute in its stead a new government."

Edmond Randolph, of Virginia, author of the Virginia plan, said: "Provision ought to be made for the amendment of the Articles of Union." Charles Pinckney, of South Carolina, credited by many as being the originator of the peculiar idea of dual sovereignty over the same people at the same time, had a provision for amendment in his plan.

George Mason, of Virginia, author of the first Bill of Rights, said: "Amendments will be necessary, and it will be better to provide for them in an easy, regular, and constitutional way than to trust to chance and violence." In this sentiment Edmond Randolph concurred.

James Madison, commonly called the Father of the Constitution, in the Federalist, No. 41, said: "It is in vain to oppose constitutional barriers to the impulse of self-preservation", and again James Madison, in the Federalist, No. 43, said: "Useful alterations will be suggested by experience that could not be foreseen."

George Washington in his Farewell Address of September 17, 1796, said: "The basis of our political system is the right of the people to make and to alter their Constitution which at any time exists;

until change by an explicit and authentic act of the whole people, it is sacredly obligatory upon all." Again Washington in speaking of the benefits of the new system of government which he was commending with fatherly solicitude to his fellow citizens and their posterity, called attention to the fact that the Constitution contains "within itself a provision for its own amendment."

Thomas Jefferson in a letter written September 7, 1803, said: "Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction."

The courts and, therefore, judges, are absolutely necessary, because even honest disputes are inevitable. Again I quote from my remarks, printed in CONGRESSIONAL RECORD of January 13, 1936, as follows:

All lawsuits must be finally decided by somebody. Even athletic contests, sports, and games require umpires. In a baseball game, where the ball reaches the home plate when the forced runner is halfway between bases, no one questions that he is out, and in such case no umpire is necessary. All players on both sides readily acquiesce in the obvious result. But where the runner is sliding to the home plate just as the ball reaches the hands of the catcher, and where movements are so quick that it is difficult for the other players to do their duty, and yet decide the question of out or safe, then the function of the umpire begins, and his decision, right or wrong, must stand. He must be assumed to be honest, conscientious, and competent. It is the same way with the courts. They umpire all cases, and nobody questions the rightness of their decisions except in a few border-line cases.

Again I quote from my remarks of January 13, 1936, as follows:

GOVERNMENT MUST REFLECT NEEDS AND WISHES OF THE PEOPLE

That any government in these modern times must ultimately respond to the demands of people is testified to by Elihu Root, speaking in 1906, as follows:

"The governmental control which they (the people) deem just and necessary they will have. It may be that such control would better be exercised in particular instances by the governments of the States, but the people will have the control they need either from the States or from the National Government; and if the States fail to furnish it in due measure, sooner or later constructions of the Constitution will be found to vest the power where it will be exercised—in the National Government. The true and only way to preserve State authority is to be found in the awakened conscience of the States, their broadened views and higher standard of responsibility to the general public; in effective legislation by the States in conformity to the general moral sense of the country; and in the vigorous exercise for the general public good of that State authority which is to be preserved."

But until the great change is made to conform to the solemn will of the people, I feel we should heed the warning of John Fiske, who wrote in The Critical Period of American History, published nearly 50 years ago, as follows:

"If the day should ever arrive (which God forbid) when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent from Washington, and when the self-government of the States shall have been so far lost as that of the Departments of France, or even so far as that of the counties of England—on that day the progressive political career of the American people will have come to an end, and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever."

But above the bony structure of the human body, above flesh and blood, even above nerve and nerve centers, is the spirit of man. Nations have something analogous to the individual spirit. It must be the composite of all the spiritual forces of a people. It is difficult to define in words this spirit of a nation. Of course, it is many-sided and multiform. But I think Julian Hawthorne expressed it well, writing in the introduction of his History of the United States in 1898, as follows:

"In these volumes I have taken the view that the American Nation is the embodiment and vehicle of a divine purpose to emancipate and enlighten the human race. Man is entering upon a new career of spiritual freedom; he is to enjoy a hitherto unprecedented condition of political, social, and moral liberty, as distinguished from license, which in truth is slavery. The stage for this grand evolution was fixed in the Western Continent, and the pioneers who went thither were inspired with the desire to escape from the thralldom of the past and to nourish their souls with that pure and exquisite freedom which can afford to ignore the ease of the body and all temporal luxuries for the sake of that elixir of immortality. This, according to my thinking, is the innermost core of the American idea; if you go deep enough into surface manifestations, you will find it. It is what differentiates Americans from all other peoples; it is what makes Americans out of emigrants; it is what draws the masses of Europe hither and makes their rulers fear and hate us. It may often and uniformly happen that any given individual is unconscious of the spirit that moves within him, for it is the way of that spirit to subordinate its manifestations to its ends, knowing the frailty of humanity. But it is there, and its gradual and cumulative results are seen in the retrospect, and it may perhaps be divined as to the outline of some of its future developments.

Some sort of recognition of the American idea and of the American destiny affords the only proper ground for American patriotism. We talk of the size of our country, of its wealth and prosperity, of its physical power, of its enlightenment; but if these things be all that we have to be proud of we have little. They are in truth but outward signs of a far more precious possession within. We are the pioneers of the new day or we are nothing worth talking about. We are at the threshold of our career. Our record thus far is full of faults and presents not a few deformities due to our human frailties and limitations, but our general direction has been onward and upward.

The poet epitomizes the whole idea in a few words:

"America hath a mission all her own, to preach and practice before the world the dignity and divinity of man, the glorious claims of human brotherhood, and the soul's allegiance to none but God."

EXTENSION OF REMARKS

Mr. MILLER. Mr. Speaker, I ask unanimous consent that all Members who spoke on the Senate joint resolution and the rule may have 5 legislative days within which to revise and extend their own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

RENT COMMISSION FOR THE DISTRICT OF COLUMBIA

Mr. O'CONNOR, from the Committee on Rules, submitted the following resolution (H. Res. 489, Rept. No. 2414), for printing in the RECORD:

House Resolution 489

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11563, a bill "declaring an emergency in the housing condition in the District of Columbia; creating a rent commission for the District of Columbia; prescribing powers and duties of the commission, and for other purposes", and all points of order against said bill are hereby waived. General debate on said bill shall be considered as closed, and the bill shall be considered as having been read the second time. Amendments may be offered to any section of the bill, but debate under the 5-minute rule shall be closed within one hour and a half. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

PERMISSION TO ADDRESS THE HOUSE

Mr. LORD. Mr. Speaker, I ask unanimous consent that on tomorrow morning, after the reading of the Journal, disposition of matters on the Speaker's table, and the special order, that I may address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DUNN of Pennsylvania, for a few days, on account of illness.

To Mr. BOYKIN (at the request of Mr. HILL of Alabama), indefinitely, on account of important business.

To Mr. MOTT, until April 16, on account of absence from the city.

IRELAND'S CONTRIBUTION TO AMERICA

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and insert therein a speech made by a former Congressman recently in the city of Scranton.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOLAND. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of His Excellency James M. Curley, Governor of Massachusetts, at a banquet of the Irish-American Association of Lackawanna County, Hotel Casey, Scranton, Pa., March 17, 1936:

The poet priest of the Southland, Father Ryan, spoke with a voice of prophecy when he wrote the poem—

"A LAND WITHOUT RUINS

"A land without ruins is a land without memories—a land without memories is a land without history. A land that wears a laurel crown may be fair to see; but twine a few sad cypress leaves

around the brow of any land, and be that land barren, beautiless, and bleak, it becomes lovely in its consecrated coronet of sorrow, and it wins the sympathy of the heart and of history. Crowns of roses fade, crowns of thorns endure; Calvaries and crucifixions take deepest hold of humanity, the triumphs of might are transient, they pass and are forgotten, the sufferings of right are graven deepest on the chronicle of nations.

"Yes, give me the land where the ruins are spread
And the living tread light on the hearts of the dead;
Yes, give me a land that is blest by the dust,
And bright with the deeds of the downtrodden just.

"Yes, give me the land where the battle's red blast,
Has flashed to the future the fame of the past;
Yes, give me the land that hath legends and lays
That tell of the memories of long vanished days;
Yes, give me the land that hath story and song,
Enshrine the strife of the right with the wrong.

"Yes, give me a land with a grave in each spot,
And names in the graves that shall not be forgot;
Yes, give me the land of the wreck and the tomb,
There is grandeur in graves—there is glory in gloom;
For out of the gloom future brightness is born,
As after the night comes the sunrise of morn;
And the graves of the dead with the grass overgrown
May yet form the footstool of liberty's throne,
And each single wreck in the war path of might
Shall yet be a rock in the temple of right."

The futility of persecution and oppression is perhaps more abundantly proved in the case of Ireland and its people than in the case of any other country or people in the history of the world. Notwithstanding a program of savagery that would shame the wild Indian of the western plain of early days, the people of Ireland have remained faithful to the teaching of St. Patrick and loyal to the principles of liberty. No darker page has ever been written in the history of the world than that which was written by Oliver Cromwell, whose sole purpose apparently was the extermination of the Irish race. The atrocious and horrible character of his infamy is forcibly brought home to a traveler who has occasion to visit the island of Haiti. With a view to the destruction of the race, Cromwell shipped 50,000 boys and girls between the ages of 12 and 18 to the island of Haiti. Those who survived the voyage and the climate were required in the course of time to marry Negroes, constituting the population of Haiti, and a visitor even at the present day will find Negroes with skin as black as any African Negro speaking with a brogue and bearing the names Murphy, O'Brien, McCarthy, and Sullivan, and other names prominent among persons of Irish extraction.

Not content with persecution of such atrocious character as to put to shame either Nero or Herod, the Irish people were subjected to engineered famines, with the result that a population at one time in excess of 12,000,000 is today less than 3,000,000. The singular feature has been that regardless of persecution or oppression, nearly every generation has contributed to the list of martyrs and every decade has produced its group of intellectuals, not swashbucklers, but courageous, gallant men who, like their forebears, were not afraid to die in the sacred name of liberty and for the honor and glory of the land of their fathers. The list is exceedingly large, but on an occasion of this character we would be remiss in an obligation and duty if we failed to direct attention to those who have made luminous the pages of Ireland's history, preserving by their courage and leadership, faith, and principle.

We have Rory O'Moore, 1576, and in 1641 his namesake, Roger O'Moore; and 1778 Henry Grattan, in 1798 the valiant Wolfe Tone, and 1803 the martyred Robert Emmett, followed by that great leader through whose genius, without the firing of a shot, Catholic emancipation was secured for the people of Ireland—Daniel O'Connell; the brilliant John Mitchell in 1848, and the talented James Stevens in 1865; the parliamentary genius, Charles Stewart Parnell, in 1881, and the more recent martyrs to Irish independence on Easter Sunday in 1916—Shoeby Skeffington, Thomas McDonough, Patrick Pearce, James Connelly, Sir Roger Casement, and others.

The persecution and oppression and war of extermination against Ireland by the British Empire has been the most potential factor to the development of liberty and free government in the world. The wild-geese followers of Sarsfield scattered throughout the world by a decree of Cromwell shed luster and made luminous the pages of the history of every land which they graced with their presence and their sword. Every pledge and every promise made to the Irish people through seven centuries of control by Great Britain has been callously violated.

When the American Revolution broke out the restrictions upon Ireland were removed and Grattan, at the head of 80,000 men in open revolt, was lulled into the belief that Ireland's wrongs were to be righted, but, the war over, witnessed the return of the jailer and the enactment of laws even more oppressive than those which formerly existed. During the Napoleonic wars Ireland was again promised home rule, and permitted to enlist to save the Empire, and at Waterloo the Iron Duke of Wellington, an Irishman, defeated Napoleon, and again the Irish were rewarded by the restoration of the shackles and return to their accustomed place—Ireland.

Yes; from Waterloo to the Crimean Peninsula; from the cotton bales of New Orleans under the Irish Andrew Jackson; from Cedar Creek, under the Irishman Sheridan, to the field of Appomattox, under Grant; from Kjartoum to Pekin; from India to South Africa; from the dust of the unnumbered dead there arises like incense a demand for the absolute independence of Ireland.

There were many Americans of Irish extraction who were loud in their condemnation and protest of the insurrection in Dublin in 1916, but personally I do not believe there was justification for protest upon the part of any right-thinking American, since the insurrection in Dublin in 1916 did not differ either in purpose or principle from the insurrection in America on April 19, 1775, and men with Irish blood in their veins might well hold their heads in shame were it not for the fidelity and the courage of the group of intellectuals responsible for the revolt of 1916, which compelled the granting by the British Government of the autonomous form of government now enjoyed by Ireland.

It has been my privilege recently to visit Ireland for the first time and to marvel at the progress that has been made in a short period of 15 years. The one- and two-room houses are disappearing, giving way to modern, healthful places of habitation, and more schoolhouses have been erected in 15 years under the Free State Government than during the seven centuries of British misrule. The men constituting the Dail in Ireland are the equal if not the peers in intelligence of any legislative group to be found in the world. They are sincere, unselfish, patriotic, devoting time, energy, and talent to the welfare of the people and the land which they have been chosen to govern. They are making genuine progress and are still idealists.

We have been accustomed to regard Ireland in the past as the land of saints and of scholars. Perhaps a little might be said of the artistic side of the race. It has been my privilege to visit both Trinity College and Dublin Museum and to gaze upon the Book of Kells, the most beautiful example of book illuminating ever produced in the history of the world, and produced eight centuries before the Pilgrims landed at Plymouth Rock. To gaze upon the chalice of Ardagh, the cross of Clon Mac Noise, and the Bell of Patrick, the most wonderful examples of the art of the silversmith ever produced, and turned out in the seventh century. Yes, when the rest of the world was wandering down a blind alley in despair, Ireland was keeping alive the torch of Christianity, and civilization and culture of which we in America have been the beneficiaries.

The constructive character of Ireland's contribution to America's progress and prosperity has unquestionably been greater than that of any other race, but unfortunately, too little attention has been given this phase of Irish progress, and too much attention has been bestowed upon other phases.

We have been prone to take such pride in the martial achievements of the Irish as to cause the impression to become deep-rooted that in their prowess as a fighting people alone have they been of value. It is not my purpose to detract from the tremendous contribution to American history by gallant men of Irish blood, but, if possible, to clear the atmosphere of the impression that they have been purely a one-sided people. As soldiers, statesmen, poets, inventors, and orators they have been a contributing factor to human progress. As soldiers, even prior to the conception of liberty in the Colonies, they had achieved fame, and it is pleasing for us, in the month which marks the anniversary of Ireland's patron saint, to assemble as American citizens of Irish blood and rejoice in those achievements which make luminous the pages of the Republic's history.

It is gratifying to know that the ember igniting liberty's torch emanated from that distinguished Irishman, whose fiery utterances furnished the text which resulted in the Republic's birth, when, as a member of the Virginia House of Burgesses, those prophetic words were uttered, "As for me, give me liberty or give me death", Patrick Henry.

The evacuation of Boston by the British and armed resistance at Bunker Hill was in a large measure due to the ammunition and arms secured through the daring of Capt. John Sullivan in consequence of the capture of Fort William and Mary, December 11, 1774, more than 4 months before the shot was fired at Lexington and "heard 'round the world."

As Americans of Irish blood visiting our northern neighbor, Canada, it is most interesting to gaze at those rugged heights, rising almost perpendicularly from the St. Lawrence, and there find inserted a bronze tablet sacred to the memory of the first general who died in the struggle for liberty, and but for whose untimely death, in all probability, Canada would today be under the American flag, General Montgomery.

Ships were necessary to combat the mighty power of England, and it remained for Michael O'Brien, of Machias, Maine, with his six sons, to capture an English convoy, and, in return for their signal act of gallantry, for the Continental Congress to christen the first ship of the American Navy *Liberty* and the second ship *Hibernia*, the first in command of Jack O'Brien, the second in command of his brother, Jerry O'Brien, and the Navy in command of that dauntless hero, whose service to America has only recently received due recognition at the Capitol in Washington, the first commodore of the American Navy, John Barry.

It is pleasing to us as men of Irish blood, proud of our American citizenship, to know that the great Father of his Country, Gen. George Washington, on the eve of St. Patrick's Day, 1776, placed in command of the Continental forces at Dorchester Heights Gen. John Sullivan, and the password on that memorable occasion which marked the departure of vested British tyranny and oppression from these shores was "St. Patrick."

It is refreshing to recall that when the army of Washington encamped at Valley Forge in the dread winter of 1778, after surviving reverse after reverse for a period of nearly 2 years, when,

as historians tell us, the trail of the army could be traced for hundreds of miles by the blood left on the snow and ice by those who had neither shoes nor stockings; when rumors of desertion were rife, and when the cause of liberty was apparently to be lost, an assemblage of Irishmen in Philadelphia raised the princely sum of $515,000 that the war might continue; that the troops might be supplied with food, raiment, shelter, and munitions of war, and that the gloom of a Valley Forge might be dispelled by the radiant sunburst of a triumphant victory at Yorktown and the liberty of the American people assured for all time.

Much stress has been laid for nearly a century upon the contribution of the French people to American liberty, and it was, indeed, a tremendous contribution, and one worthy of a great people, but let it not be forgotten that the Irish regiments in the service of France pleaded that they might be selected, because of a hereditary hatred of the English, to serve under Washington, and that prominent among the regiments were the regiment de Dillon, the regiment de Walsh, and the regiment de Lacey, made up wholly of the descendants of that Spartan-like band known as the wild geese, who, rather than serve under the conquering Cromwell, took service under the colors of France.

The most courageous document ever known in the world's history was the Declaration of Independence, and it is pleasing for us to know that Charles Thompson, an Irishman, was secretary at the first meeting of the Continental Congress and continued in that capacity until, at the close of the war, Washington tendered him his sword when liberty had been secured; that among those men who signed the Declaration of Independence 10 were of Irish blood; that 142 of the Minute Men who fought at Lexington and Concord were Irish, and of those who participated in the Battle of Bunker Hill, 228 were of Irish blood; that the White House at Washington was designed by William Hogan and is an exact reproduction of the home seat of the Duke of Leinster, near Dublin, Ireland; that the seat of our National Government was originally the farm of Daniel Carroll, brother of Charles Carroll, signer of the Declaration of Independence, who, at the conclusion of the war, tendered his farm as a seat for the American Government; that the figure of Liberty which surmounts the National Capitol was designed by the Irishman, Crawford, and that the Congressional Library, with its matchless mosaics, its fairylike colorings, its incomparable marble staircase, stands as a monument to the ability, the honesty, and the honor of its designer, an Army engineer named Casey.

Every great privation visited upon the Irish people has proved a blessing in disguise for America. Persecution and oppression in the seventeenth and eighteenth centuries furnished America with valiant sons and pure daughters, inured to poverty, born to privation, and eminently fitted for the blazing of a broad highway to progress and liberty in a new and strange land.

The famine of '48 marked the beginning of a stream of immigration such as has seldom been witnessed in the history of any land. From 1848 to 1870 more than two and one-half million Irish men and women came to these shores, not the infirm and the decrepit but the staunch and sturdy manhood and the wholesome and pure womanhood, the flower of Ireland; and these were the men that aided in making possible Grant's campaign in the Wilderness, Sherman's march from Atlanta to the sea, and Sheridan's master stroke at Cedar Creek. They were lovers of liberty first and Ireland second.

What a wonderful heritage is ours when we contemplate the character, the courage, and the manhood of these mighty men!

Picture the gallant Gen. Michael Corcoran on the occasion of the visit of Prince Albert to America in 1860, ordered by the Governor of New York to do escort duty with his regiment, and the manly Corcoran dashing his sword to the ground, stating: "I refuse to do honor to the representative of a government that for seven centuries has persecuted and oppressed my race"; and for this utterance the Sixty-ninth Regiment disbanded by order of the Governor of New York.

Then picture Fort Sumpter fired upon and the gallant American general, Corcoran, tendering the Governor of New York the services of the Sixty-ninth Regiment in defense of the Union, and this regiment later welded into that fighting machine of imperishable memory, the Irish Brigade, first under Corcoran and later under the immortal general, Thomas Francis Meagher, adding fresh laurels on every bloody field to the Stars and Stripes of our country until in 1864, when the fighting was most severe, historians tell us the Irish Brigade in that year captured more flags and standards than the remainder of the Union Army combined and never lost one flag or standard.

We may well say with him who honored both the land of his birth and the land of his adoption, the lamented O'Reilly:

"No treason we bring from Erin—nor bring we shame or guilt,
The sword we hold may be broken, but we have not dropped the hilt.
The wreath we bear to Columbia is twisted of thorns, not bays;
And the songs we sing are saddened by thoughts of desolate days.
But the hearts we bring for Freedom are washed in the surge of tears;
And we claim our rights by a people's fight, outliving a thousand years."

The chaste, humble, and Christlike life of St. Patrick and his teachings are the most treasured heritage of the Irish people. They have proved an adamantlike force in the pathway of materialism, atheism, and chaos in the life of this Republic. They stand for the purity of womanhood and for the sanctity of American home life, and there is no method by which their benefit and blessing to this Republic may be gaged. What shall be said of the material contribution?

The first iron furnace in America was conducted by George Taylor, a signer of the Declaration of Independence, born in Ireland, and whose establishment during the Revolutionary War turned out shot and shell for the Continental forces. America today leads the world in the manufacture of steel and iron products, and this great industry, through whose existence prosperity and happiness is made possible for thousands of American families, at its birth had an Irish father.

The railroads of the United States furnish means of communication, development, and prosperity for the American people, and are in all probability even a larger contributing force to national prosperity than any other single institution.

The first spike driven to hold in place the first rail of our great railroad system was driven by Charles Carroll of Carrollton, Md., in 1809, and the first steam engine built in the United States was the work of Christopher Colles, who was born in Ireland in 1738.

It would be an utter impossibility for this Nation to develop in the short space of years necessary for our present commercial greatness were it not for the inventive genius of the Irishman, Robert Fulton, who built the first steamboat.

Dean Swift said that the real benefactor of the human race is the man who can make two blades of grass grow where only on grew before. What shall we say of the great McCormack family, whose harvesting and reaping machinery is today found in every portion of the world, and through the use of which millions of bushels of corn, wheat, rye, and oats are today grown where only stubble, stones, and weeds previously existed? The backbone of this and of any other nation is agricultural prosperity, and this prosperity annually trickling down the avenues and arteries of trade and endeavor, whose reflex is happy homes, educated citizenship, and healthy children, has been rendered possible through the inventive genius of the McCormack family.

America is proud of her great candy industry, the manufacture of which annually adds millions of dollars to the wealth of the people, and this great industry had its birth in the genius of the Irishman John Hannon, first manufacturer of chocolate in America.

In our hours of leisure we enjoy companionship with music, thanks to Thomas Crehore, first manufacturer of the piano in America.

The prosperity of America is in a large measure due to our leadership in textile industries, and the first to introduce the manufacture of cotton in America was Patrick Tracy Jackson, while the Irish colonists in 1718, emigrating to America, were the first to introduce the manufacture of linen.

A recognized world institution today is the daily newspaper, and the first daily newspaper in this land was published by John Dunlap, of Strabane, Ireland.

I believe it needless to refer to Ireland's contribution to America in the field of statesmanship. Eleven Presidents of the United States gloried in the Irish blood which coursed through their veins. It has been truly said of the Irish race:

"We have run the gamut of want and woe,
Of hunger and pain and dearth;
The century's flood of our tears and blood
Has deluged the plains of the earth.
There was never a wine press in all the world
By those of our race untrod;
Now we claim the price of our sacrifice
From the bar of the watching God."

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3806. An act to establish a commercial airport for the District of Columbia;

H. R. 4387. An act conferring jurisdiction upon the United States District Court for the Western District of Michigan to hear, determine, and render judgment upon the claim of Barbara Blackstrom;

H. R. 11691. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1937, and for other purposes; and

H. R. 11968. An act relating to the authority of the Reconstruction Finance Corporation to make rehabilitation loans for the repair of damages caused by floods or other catastrophes, and for other purposes.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Thursday, April 16, 1936, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON THE PUBLIC LANDS

The Committee on the Public Lands will meet Thursday, April 16, 1936, at 10:30 a. m., in room 328, House Office Building, to consider, in executive session, H. R. 10357, and other matters.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

778. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 14, 1936, submitting a report, together with accompanying papers, on a preliminary examination of Rock Harbor, Mass., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

779. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 13, 1936, submitting a report, together with accompanying papers, on a preliminary examination of Bayou St. John, La., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

780. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 13, 1936, submitting a report, together with accompanying papers, on a preliminary examination and survey of Olcott Harbor, N. Y., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

781. A letter from the Chairman of the Federal Trade Commission, transmitting an interim report of the Federal Trade Commission with respect to the sale and distribution of milk products (H. Doc. No. 451); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WALTER: Committee on the Judiciary. S. 3434. An act to provide for the appointment of one additional judge for the district of Kansas; without amendment (Rept. No. 2405). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 8525. A bill prescribing regulations for carrying on the business of lighter service from any of the ports of the United States to stationary ships or barges located offshore, and for the purpose of promoting the safety of navigation; with amendment (Rept. No. 2407). Referred to the Committee of the Whole House on the state of the Union.

Mr. STUBBS: Committee on Indian Affairs. S. 2047. An act to promote the general welfare of the Indians of the State of Oklahoma, and for other purposes; with amendment (Rept. No. 2408). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMISANO: Committee on the District of Columbia. H. R. 12242. A bill to provide for lunacy proceedings in the District of Columbia; without amendment (Rept. No. 2409). Referred to the Committee of the Whole House on the state of the Union.

Mr. IMHOFF: Committee on Foreign Affairs. Senate Joint Resolution 233. Joint resolution providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purpose; with amendment (Rept. No. 2411). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. Senate Joint Resolution 248. Joint resolution to provide for participation by the United States in an inter-American conference to be held at Buenos Aires, Argentina, or at the capital of another American republic, in 1936; with amendment (Rept. No. 2412). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. H. R. 10544. A bill authorizing the erection of a memorial to those who met their death in the wreck of the dirigible *Shenandoah;* without amendment (Rept. No. 2413). Referred to the Committee of the Whole House on the state of the Union.

Mr. GEHRMANN: Committee on Indian Affairs. S. 2715. An act conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi; with amendment (Rept. No. 2415). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BEITER: Committee on War Claims. H. R. 785. A bill for the relief of Bertram Lee Schoonmaker; with amendment (Rept. No. 2410). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KNIFFIN: A bill (H. R. 12294) to promote the conservation and profitable use of agricultural land resources by Federal aid to farmers, and to reestablish farmers' purchasing power by making payments in connection with the increase in domestic consumption of agricultural commodities, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 12295) to protect domestic producers of sugar beets and sugar cane and to encourage the domestic production thereof by the regulation of foreign and interstate commerce in sugar; to provide for the fixing and revision of yearly quotas of sugar that may be imported into, transported to, or received in continental United States; to maintain a continuous and stable supply of sugar in continental United States for the benefit of both producers and consumers; and for other purposes; to the Committee on Agriculture.

By Mr. BARRY: A bill (H. R. 12296) to provide for the local-delivery rate on certain first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. CELLER: A bill (H. R. 12297) to establish a United States Administrative Court to expedite the hearing and determination of controversies with the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DEMPSEY: A bill (H. R. 12298) to provide a civil government for the Virgin Islands of the United States; to the Committee on Insular Affairs.

By Mr. POWERS: A bill (H. R. 12299) to authorize a preliminary examination of the Delaware River with a view to the control of its floods; to the Committee on Flood Control.

By Mr. SMITH of Washington: A bill (H. R. 12300) to provide a uniform rate of pension for single Spanish-American War veterans without dependents while hospitalized, to extend hospitalization to persons recognized as veterans of the Spanish-American War under laws in effect prior to March 20, 1933, and for other purposes; to the Committee on Pensions.

By Mr. THOMASON: A bill (H. R. 12301) to authorize an appropriation for the purpose of establishing a national cemetery at Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. WHELCHEL: A bill (H. R. 12302) to provide annuities for widows of retired civil-service employees of the United States and District of Columbia; to the Committee on the Civil Service.

By Mr. RAMSPECK: A bill (H. R. 12303) to amend section 11 of the act of March 1, 1919 (40 Stat. 1270); to the Committee on Printing.

By Mr. ROBSION of Kentucky: A bill (H. R. 12304) amending the Federal Trade Commission Act to give the Federal Trade Commission jurisdiction where unfair acts of competition or unfair practices are involved in the importation and sale of articles from abroad; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: A bill (H. R. 12305) to extend the jurisdiction of the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. KING: A bill (H. R. 12306) to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. DRISCOLL: A bill (H. R. 12307) to amend section 3 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U. S. C., title 15, sec. 14); to the Comittee on the Judiciary.

By Mr. GEHRMANN: A bill (H. R. 12308) to enable farmers who are unable to pay emergency seed and feed loans in full when due, to work out the amounts due thereon; to the Committee on Agriculture.

By Mr. WEARIN: A bill (H. R. 12309) to amend the Federal Farm Loan Act, as amended, to provide for an interest rate not in excess of 3 percent in the case of installments payable during the period of 2 years commencing July 1, 1936; to the Committee on Agriculture.

By Mr. WIGGLESWORTH: A bill (H. R. 12310) for the protection of laborers and mechanics on public buildings or public works of the United States; to the Committee on Labor.

By Mr. BUCHANAN: Joint resolution (H. J. Res. 568) to provide an additional appropriation for fees of jurors and witnesses, United States courts, for the fiscal year 1936; to the Committee on Appropriations.

By Mr. McREYNOLDS: Joint resolution (H. J. Res. 569) to authorize an appropriation for the expenses of participation by the United States in a conference at Brussels to revise the Convention for the Protection of Literary and Artistic Works concluded at Bern, September 9, 1886, and revised at Rome June 2, 1928; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY: A bill (H. R. 12311) for the relief of the P. L. Andrews Corporation; to the Committee on War Claims.

By Mr. DITTER: A bill (H. R. 12312) granting a pension to Katherine Myers; to the Committee on Invalid Pensions.

By Mr. JOHNSON of West Virginia: A bill (H. R. 12313) for the relief of James L. Barnett; to the Committee on the Civil Service.

Also, a bill (H. R. 12314) granting an increase of pension to Hannah Gibbs; to the Committee on Invalid Pensions.

By Mr. KRAMER: A bill (H. R. 12315) for the relief of George W. Jeffords; to the Committee on War Claims.

Also, a bill (H. R. 12316) for the relief of Victor Bert Smith; to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 12317) granting a pension to Isabel Bennett; to the Committee on Invalid Pensions.

By Mr. SMITH of Washington: A bill (H. R. 12318) for the relief of George T. Heppenstall; to the Committee on Claims.

By Mr. THOM: A bill (H. R. 12319) granting a pension to James A. Lenhart; to the Committee on Invalid Pensions.

By Mr. TONRY: A bill (H. R. 12320) for the relief of Mendel Leibick; to the Committee on Immigration and Naturalization.

By Mr. WERNER: A bill (H. R. 12321) granting an increase of pension to Charles Face; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10729. By Mr. ROGERS of New Hampshire: Petition of the Mayor and Board of Aldermen of the City of Manchester, N. H., requesting and urging that a full-time Weather Bureau station be established in New Hampshire; to the Committee on Merchant Marine and Fisheries.

10730. Also, petition of the Mayor and Board of Aldermen of the City of Manchester, N. H., requesting and urging that Federal authorities take steps to prevent floods in the Merrimack River watershed; to the Committee on Flood Control.

10731. By Mr. SADOWSKI: Petition of the Yugoslav Workers' Club Oreski, of Detroit, Mich., protesting against the Kramer sedition bill; to the Committee on Military Affairs.

10732. Also, petition of the Yugoslav Workers' Club Oreski, protesting against the Tydings-McCormack disaffection bill; to the Committee on Military Affairs.

10733. Also, petition of the board of directors of the Wayne County Federal Savings & Loan Association, protesting against Senate bill 2914; to the Committee on the Judiciary.

10734. By the SPEAKER: Petition of the Cragin State Bank Depositors Justice Committee; to the Committee on Banking and Currency.

SENATE

THURSDAY, APRIL 16, 1936

(Legislative day of Monday, Feb. 24, 1936)

IMPEACHMENT OF HALSTED L. RITTER

The Senate, sitting for the trial of the articles of impeachment against Halsted L. Ritter, judge of the United States District Court for the Southern District of Florida, met at 12 o'clock meridian for deliberation with closed doors.

At 5 o'clock and 48 minutes p. m. the doors were reopened.

Mr. ASHURST. I send to the desk an order, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BACHMAN in the chair). The clerk will read the order submitted by the Senator from Arizona.

The legislative clerk read as follows:

Ordered, That upon the final vote in the pending impeachment of Halsted L. Ritter each Senator may, within 4 days after the final vote, file his opinion in writing, to be published in the printed proceedings in the case.

The PRESIDING OFFICER. Without objection, the order is agreed to.

Mr. ASHURST. I present another order and ask for its consideration.

The PRESIDING OFFICER. The clerk will read the order.

The legislative clerk read as follows:

Ordered, That upon the final vote in the pending impeachment of Halsted L. Ritter, the Secretary shall read the articles of impeachment separately and successively, and when the reading of each article shall have been concluded the Presiding Officer shall state the question thereon as follows:

"Senators, how say you? Is the respondent, Halsted L. Ritter, guilty or not guilty?"

Thereupon the roll of the Senate shall be called, and each Senator as his name is called, unless excused, shall arise in his place and answer "guilty" or "not guilty."

The PRESIDING OFFICER. Is there objection to the order? The Chair hears none, and the order is agreed to.

Mr. VAN NUYS. I submit an order and ask for its immediate consideration.

The PRESIDING OFFICER. The proposed order will be read.

The legislative clerk read as follows:

Ordered, That the Secretary be, and he is hereby, directed to return to A. L. Rankin, a witness on the part of the United States, the two documents showing the lists of cases, pending and closed, in the law office of said A. L. Rankin, introduced in evidence during the trial of the impeachment of Halsted L. Ritter, United States district judge for the southern district of Florida.

The PRESIDING OFFICER. Without objection, the order is agreed to.

Mr. ASHURST. I submit a further order, and ask for its immediate consideration.

The PRESIDING OFFICER. The order proposed by the Senator from Arizona will be read.

The legislative clerk read as follows:

Ordered, That the Secretary of the Senate be, and he is hereby, directed to return to the clerk of the United States District Court